

**SECTION F: SUBDIVISIONS**

**SUBDIVISION OF LAND WITHIN DISTRICT BOUNDARIES**

When a parcel of water-righted land is divided, provisions shall be made for irrigating all divided water-righted parcels either exclusively through the existing District takeout through an otherwise approved irrigation system, however, an irrigation system based upon pumping from a District canal would require prior approval by the Board. Adequate easements for irrigation and drainage systems shall be established and shown on all parcel and subdivision maps. If not, such easements will have to be created by deed and recorded in the official records of the proper county. District easements shall be fenced to prevent encroachment.

When a parcel of water-righted land is divided, all irrigation laterals, canals, and facilities in existence or created in accordance with this policy shall be approved in advance by District staff. It is preferred that the irrigation system be either piped or concrete lined.

The District requires the recordation of covenants, conditions and restrictions that require the property owners of subdivided water-righted land to form and become members of a subdivision water users association which incorporates the applicable provisions of this policy as well as any changes that may be made to this policy in the future. (12/7/10)

The subdivision water users association shall coordinate the irrigation of water-righted parcels and operate and maintain the watering subdivision irrigation and drainage system. Such subdivision will be considered a watering subdivision by the District for purposes of ordering and delivery of water. The landowners must select one individual as the coordinator and one individual as alternate of the watering subdivision and submit those names on a form to the District for approval. (12/7/10)

The coordinator and alternate shall be selected by a majority of signatures on the form by the property owners within the subdivision. In the event that the subdivision can not select a coordinator or alternate the District will appoint someone. The coordinator and/or alternate will schedule all irrigations, order the water from the District, and coordinate the delivery of water with the ditchrider. (12/7/10)

In the past some subdivisions have had various disagreements amongst the water users within the subdivisions. The District will not act as the mediator in these disagreements; but will enforce the rules and regulations of this policy. The District will withhold water to a subdivision if there is no coordinator or alternate or for non-compliance with any portion of the Subdivision policy by the subdivision or by any member of the subdivision. Therefore, it is very important that members of a subdivision work together for the benefit of the subdivision, their neighbors and themselves. (12/7/10)

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Should it become necessary for proper management and conservation of water, the water users association shall pay for and install an approved water-metering device at the District's takeout for measuring water to the watering subdivision.

In a division of land within an existing watering subdivision, the owner of the divided parcels shall file and record covenants, conditions and restrictions that recognize the existence of and require compliance with the District's policies for watering subdivisions.

In those cases where the division of water-righted land is such that (a) the development will occur in phases; (b) water-righted parcels are going to become non-water-righted upon development; and (c) continued irrigation of the undeveloped phases is requested, then the District can provide for continuing irrigation of such undeveloped parcels as long as an agreement is signed that requires discontinuance of irrigation and removal of the water right upon final development of each phase. Such irrigation shall be approved by District staff so as to ensure appropriate and efficient use of water.

When this policy refers to a parcel of water-righted land being subdivided or otherwise divided into different parcels than existed before the split, the intent is to only apply the requirements of this policy when the result of the split or division of land results in the creation of more than one water-righted parcel of land. The creation of easements for irrigation and drainage systems, a water users association, and the piping or concreting of irrigation canals in this policy is not intended to apply to the split or division of water-righted parcel when the result leaves all of the original water right in one parcel and all other parcels created by the split are non-water-righted. However, should the one water-righted parcel that remains require access over the non-water-righted parcels for irrigation or drainage, easements for such shall be required.

All plans, easements, and restrictions shall be subject to approval by the District. Maintenance of the watering subdivision easements from the District's original takeout shall be the responsibility of the landowners.

To minimize encroachment upon and interference with the maintenance of District easements, the District will not approve and will take appropriate action to prevent the use of District easements for legal access to land.

The subdividing of water-righted land within the boundaries of the City of Fallon or the Town of Fernley shall not be approved unless there is a cooperative agreement in existence between the District and the city or town which provides for the delivery and drainage of such water in a compatible manner.

Any non-compliance with this policy shall result in a hold on delivery of water to the subdivided parcels. Discretion shall be allowed to the Project Manager to avoid undue hardship to the owner while the interest of the District is met. If the landowner desires to continue with irrigation for the remainder of that irrigation season before complying with the subdivision, permission can be provided upon the landowner signing a Water Right Agreement and Quit Claim Deed regarding

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the water rights on the land as security for the landowners later compliance. See form in Section J, Forms, Specifications, and Construction Standards.

See Page 33, Section: FERNLEY STOCKWATER PIPELINE (10/07/02)

### **SUBDIVISION OR PARCEL MAP REQUIREMENTS**

All parcel maps, subdivision maps, or improvement plans will be submitted for review by the District in conjunction with the District's subdivision policy. The fee for review as set forth in Fee Schedule H shall be paid at or prior to the submittal. Any map not approved within the one (1) year from the date of first submittal and that a request for approval is made more than one (1) year from first submittal shall require another payment of the fee for review as if the map was just submitted for first review. (10/07/03) All maps will be routed through the District's Engineering Department and approved by the District's designee. (04/07/03)

In addition to the submittal of the subdivision or parcel map, there must also be submitted for water-righted property a reduced version of the map at a scale of 1" = 400' on a computer disk upon which the water-right and acreage thereof is to be shown by the submitting party. (04/07/03)

When a water-righted parcel has been split, the District's staff shall not sign or approve any parcel/subdivision map, which otherwise is in compliance with District policy, unless the parcel/subdivision map provides for and is located thereon an irrigation and drainage system for the water-righted parcels. (04/07/03)

The District staff is authorized to sign parcel maps that are submitted as non-water-righted when the water right actually still exists on the parcel if the owner(s) has entered into an agreement with the District (Water-Right Agreement & Quit-Claim Deed) for security of the payment of O & M for the water right thereon. Said individual will be responsible for assessment of annual charges until the water right is transferred, providing further that if the charges are not paid for three (3) consecutive years, the water-right would be forfeited to the District. (04/03/07)

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The procedure for submittal of parcel maps for District review and signature is as follows:

1. Two copies of completed preliminary blue-line maps, and a 1"=400' scale drawing a computer disk for water-righted parcels if applicable, are to be

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submitted to the District for stating the amount of water rights, review of District Project easements, and review of the design of private irrigation and drainage easements on water-righted parcels. The District has ten (10) days to determine the information for the water rights and review easements as well as any irrigation and drainage system, if applicable. Note: On water-righted land, a jurat regarding the status of the water-right, and an irrigation and drainage systems must be on the completed preliminary blueline when it is submitted so that District staff will have ample time to review the information and do field work, if necessary. (04/07/03)

2. The District will inform the surveyor of necessary corrections or additions that need to be made prior to submittal of the final map.
3. If the District is to prepare the documents (i.e., water-right agreement, quitclaim deed, etc.), the final blueline map must be submitted to the District several days in advance of the mylar so the documents can be prepared and returned for signature and recording.
4. After the surveyor corrects the map, the mylar will be submitted to the District for review and signature. If the blueline map corrections and suggestions have been implemented, the review and signature will be completed within five (5) working days.
5. All signed and recorded documents applicable to the parcel map (i.e., water-right agreements, quitclaim deeds, water user association agreements, etc.) must accompany the mylar at the time of submittal to the District. All recordation numbers must be on the mylar at the time of submittal for signature.
6. Payment to the District for review of any map and any charges for documents, deeds, etc. must be made at or before time of submittal for reviews.

FEES: As approved by the Board of Directors in Section H. (5/7/97)