

# Staff Report

for the Regular Meeting of the Board of Directors, July 22, 2020

**TO:** Board of Directors

**FROM:** Tonia M. Tabucchi Herrera, P.E., Senior Engineer  
Doug Roderick, P.E., Engineering Manager

**DATE:** July 15, 2020

**SUBJECT: Revision to Section 14 and 15 of the Rules and Regulations  
(Consent)**

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***ENGINEERING***

**RECOMMENDATION:**

Approve the proposed revisions to Section 14 of the Rules and Regulations: Physical Encroachments to District Facilities and the creation of Section 15 of the Rules and Regulations: Recreation Rules and Regulations, as recommended by the Administrative Practices Committee.

**BACKGROUND:**

The proposed changes in Section 14 are modifications to encompass all encroachments regardless of the type of District facility or property, including reservoirs.

Additionally, in consultation with the Recreation Manager, it was determined that the rules and regulations pertaining to the District Recreation Facility Operations should have its own section, so Section 15 was created. The revisions included condensing duplicate upper and lower division regulations so that the same Section paragraphs govern both, as well as revisions to match the overall tone of the Rules and Regulations.

The revisions were presented to the Administrative Practice Committee on May 5, 2020, June 2, 2020, and July 8, 2020.

This item is in alignment with Goals Number 1 and 3 of the District's Strategic Plan by ensuring resilient and sustainable operation of our systems to the benefit of our customers, our community and the environment, and managing our resources in a self-determining manner protecting the available water supply.

**BUDGETARY IMPACT:** None

**ATTACHMENTS:** (2) Revised Section 14  
Revised Section 15

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**SECTION 14  
PHYSICAL ENCROACHMENTS TO DISTRICT FACILITIES**

**14.01 SUPPLEMENTAL DEFINITIONS**

**14.01.01 Encroachments**

Encroachments include, but are not limited to, buildings, bridges, culverts, fences, underground or overhead utilities, roadways, landscaping, docks, grading, and any other fixtures or appurtenances which may cross a District facility, reservoir, or right of way, which are in such proximity to District property or right of way as to interfere or potentially interfere with the District's performance of its responsibilities, including without limitation, the District's operation of its facilities, with necessary improvements or reconstruction of its facilities or which may cause unreasonable interference with District easement rights.

eff. 2/26/86; rev. 8/09/17; \_\_/\_\_/20

**14.01.02 Authorization**

Written approval from the District, or an executed agreement with the District, authorizing the construction, installation, and existence of an encroachment, customarily in the form of an Encroachment Permit.

eff. 6/11/03; rev. 8/09/17; \_\_/\_\_/20

**14.01.03 Encroachment Permit**

A permit issued by the District, authorizing the construction, installation, and existence of an encroachment, subject to the terms and provisions of the Encroachment Permit.

eff. 6/11/03; rev. 8/09/17; \_\_/\_\_/20

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**14.01.04 Permittee**

Any person issued an Encroachment Permit by the District, and any successors, assigns, heirs, and beneficiaries of that property benefitted by the authorized encroachment.

eff. 6/11/03; rev. 8/09/17; \_\_/\_\_/20

**14.01.05 Unauthorized Encroachment**

An encroachment which is not authorized by a valid Encroachment Permit or written agreement.

eff. 6/11/03; rev. 8/09/17; \_\_/\_\_/20

**14.02 ENCROACHMENT AUTHORIZATION**

**14.02.01 Application for Encroachment**

Prior to the construction or installation of a new encroachment, or replacement of an existing encroachment, the property owner(s) shall submit the Encroachment Application (Form 14-A) to the District for review and approval.

rev. 8/09/17; \_\_/\_\_/20

**14.02.02 Review of Encroachment Application**

The District shall review the Encroachment Application for completeness. The District, in its sole discretion, may issue an Encroachment Permit subject to the terms and conditions which it deems necessary to protect its facility, easement, or right of way. The District may deny issuance of an Encroachment Permit if the encroachment would interfere or potentially interfere with the District's performance of its responsibilities and would restrict the District's abilities during an emergency situation.

eff. 6/11/03; rev 8/09/17; \_\_/\_\_/20

**14.02.03 Issuance of Encroachment Permit**

An Encroachment Permit (Form 14-B) shall provide for the construction, installation, or replacement of an encroachment, and existence of an encroachment, as the case may be, all in conformance with the terms and provisions of the authorization. The existence of an encroachment is subject to the conditions, terms, and provisions set forth in the Encroachment Permit, and the Regulations of the District. An approved Encroachment Permit shall be signed by each of the property owner(s) and the District's General Manager.

Upon full execution, the Encroachment Permit will be recorded with the office of the County Recorder for the County in which the encroachment is to be located. Upon recording of the Encroachment Permit, the District will issue a construction authorization letter detailing any additional District requirements for construction or installation of the encroachment addressed in the Encroachment Permit. Encroachments shall follow the District's standard details or an approved design submitted to the District by the property owner(s).

Encroachment Permits shall be considered “covenants that run with the land,” and the terms and conditions thereof, together with the District policies contained in this Section 14, shall be binding on all successors, assigns, heirs, and beneficiaries of the property benefitted by the authorized encroachment.

eff. 6/11/03; rev. 8/09/17; \_\_/\_\_/20

**14.02.04 Construction Work**

Construction or installation of any encroachment shall be performed only after the District's issuance of an Encroachment Permit and authorized by the District to begin construction per the construction authorization letter. The construction authorization letter shall provide for construction in accordance with District approved plans, standard details, and specifications. The Permittee shall assume and pay all costs and expenses of constructing, inspecting, and installing the encroachment, and shall remove all debris in the area or ground in which the encroachment exists, in a manner satisfactory to the District. If the Permittee fails to complete construction or installation of the encroachment to the District's specifications, requirements, and satisfaction within established time frames, the District may, at its discretion, either complete construction or

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installation of the encroachment or stop the installation and cause the removal of the proposed encroachment. Should the District be required to complete construction, installation, or removal of the encroachment, the Permittee shall bear all costs and expenses for labor, materials, and equipment associated with such work.

eff. 6/11/03; rev. 8/09/17; \_\_/\_\_/20

**14.02.05 Water Outage Necessary for Construction**

Prior to commencing construction and installation of an encroachment which shall lie within, or cross any District facility, reservoir, or right of way, which may cause a muddy water condition, fluctuation, or interference in any manner with the flow of District water, the Permittee shall submit a written request to the District with at least 14 calendar days advance notice of the need for an interruption in the flow of water, commonly referred to as a "water outage." The District may arrange with the Permittee to provide a water outage at such time convenient to the District so that the District may plan for and notify affected customers. If the District determines the outage may have a significant impact on its operations, the District may, at its discretion, delay an outage until after irrigation season. If in the District's opinion, the outage will cause a significant cost to the District, the Permittee will be required to pay such costs.

rev. 8/09/17; \_\_/\_\_/20

**14.02.06 Maintenance of Encroachment**

Permittee shall be obligated to maintain, repair, operate, and replace the encroachment in accordance with the provisions of the Encroachment Permit, at all times, at said Permittee's sole cost and expense. All maintenance, operation, repairs, and replacement work performed upon the encroachment shall be conducted in a manner and to a condition satisfactory to the District. The District may require Permittee, at Permittee's sole expense, to perform maintenance, repair, reconstruction, or replacement of the encroachment necessary to ensure conformity with the Encroachment Permit.

eff.. 2/26/86; rev. 8/09/17; \_\_/\_\_/20

**14.02.07 District Repair or Replacement of Encroachment**

The District shall notify a Permittee in writing of any deficiency in the operation, maintenance, or repair of an encroachment, describe the measures to be performed to cure the deficiency, and the timeline for repair. Should a Permittee fail or refuse to cure the deficiency within the specified time frame, the District may, at its option, either: 1) commence proceedings to revoke the Encroachment Permit; or 2) cure the deficiency using District labor and materials at the Permittee's sole cost and expense.

eff. 2/26/86; rev \_\_/\_\_/20

**14.02.08 Revocation**

The District may revoke an Encroachment Permit after giving notice to the Permittee of the District's intent to revoke the Encroachment Permit and providing the Permittee with an opportunity to be heard concerning the proposed revocation. Should the Permittee fail to deliver to the District a written request for reconsideration within ten (10) calendar days from the date of the District's notice of intent to revoke, the Encroachment Permit shall be revoked by operation of this Rule and Regulation, and have no further force or effect.

Should the Permittee submit a timely, written request for reconsideration, the Engineering Manager will review the request for reconsideration. Should the Engineering Manager concur that the revocation is warranted, the Permittee can request that the matter be taken to the General Manager. If the General Manager upholds the revocation, the Permittee can petition their Director to have the matter considered before the full Board of Directors. The Permittee must make the petition to their Director within thirty (30) calendar days from the initial date of the District's notice of intent to revoke.

In conclusion of the request for reconsideration, the District may, in its discretion, either uphold revocation of the Encroachment Permit or impose terms and conditions for restoring the encroachment to an acceptable condition. The District shall issue its decision concerning the Encroachment Permit and provide notice of the decision to the property owner within ten (10) calendar days after the conclusion of the request for reconsideration. The District's decision shall be final and binding. A District decision to revoke an Encroachment Permit shall result in the

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encroachment at issue being designated as an “Unauthorized Physical Encroachment” subject to immediate removal at the property owner's expense.

rev. 8/09/17; \_\_/\_\_/20

**14.03 UNAUTHORIZED ENCROACHMENTS**

**14.03.01 Notification and Penalty for District Removal or Replacement**

The District shall exercise due diligence to determine the owner(s) of an unauthorized encroachment. Upon such determination, the District shall notify the owner(s) in writing, by registered mail, of the District requirements and to submit an application for the issuance of an Encroachment Permit. If, after 14 calendar days from the date the District issued written notification to the owner(s), the owner(s) have not submitted the proper application to the District, then the District may remove or replace the Unauthorized Encroachment at the owner's sole cost and expense. The District shall bill the owner(s) for all costs incurred to remove or replace any Unauthorized Encroachment, including staff time. This bill is to be paid within 30 calendar days of the invoice date. If the bill is not paid within the 30 calendar days or a payment plan has not been agreed upon with the District, the District will submit to the appropriate County to have a lien placed within property tax collections.

eff..2/26/86; rev. 8/09/17; \_\_/\_\_/20

**14.03.02 Immediate Threat to District Facilities, Reservoirs, or Right of Way**

If the District determines that any encroachment or the condition thereof, poses an immediate threat to a District facility, reservoir, or right of way, the District shall notify the Permittee of measures necessary to cure the immediate threat. If the Permittee refuses or is unable for any reason to undertake the measures prescribed by the District within the indicated timeline, the District may take all actions necessary to cure the immediate threat, at the sole cost and expense of the Permittee.

rev. 8/09/17; \_\_/\_\_/20



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**14.04 RESERVOIRS**

**14.04.01 Supplement to General Encroachment Regulations**

The provisions within Section 14.04 supplement the general provisions of Section 14 to provide specialized requirements with respect to encroachments upon and in the vicinity of District reservoirs. In the event of a conflict between the rules and regulations set forth in this Section 14.04 and any other provision of Section 14, the rules set forth in this Section 14.04 shall control.

eff. 8/13/03; \_\_/\_\_/2020

**14.04.02 Scope**

Section 14.04 applies to but is not limited to the construction, operation, and maintenance of authorized encroachments. The issuance of an Encroachment Permit shall not confer any right to conduct commercial activity on District property. Permittees shall comply with all District, federal, state, and local laws, regulations, and ordinances. No structures shall be permitted to be affixed or temporarily placed upon an encroachment including but not limited to gazebos, slides, decks, boathouses, and temporary or permanent fire pits.

eff. 8/13/03; \_\_/\_\_/20

**14.04.03 Projection of Adjoining Parcel, Defined**

Only property owner(s) who have parcels adjoining a District Reservoir may be issued an Encroachment Permit to install an encroachment on a District Reservoir. Where convergence or divergence of sidelines results in conflicting areas of use, direction shall be given by the District, which may include a near perpendicular extension to the average shoreline that accommodates the interests of property owners as equitable as possible.

eff. 4/14/04; \_\_/\_\_/20

**14.04.04 Requirements for Dock Location, Design, and Installation**

Docks will be permitted only for those parcels in existence at the time this section went into effect. If subsequent parcel split occurs, the permit will reside with the original parcel, and no additional permit will be allowed for the newly formed parcel. Docks will be permitted only adjoining the District's lakeside property and shall be located adjacent to the parcel served. Only one (1) dock

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will be permitted for each such parcel. Upon approval of the District, combined docks may be constructed to serve multiple parcels. The docks shall be designed, constructed, and operated to accommodate no more than two (2) watercraft for each parcel served. See District Standard Details for Docks design and construction details. The Board of Directors may specify supplemental dock criteria when adopting a resolution authorizing docks on a particular reservoir.

eff. 8/13/03; rev. 4/14/04; \_\_/\_\_/20

**14.04.05 Application for Encroachment on District Reservoir**

Prior to the construction or installation of a new encroachment, or replacement of an existing encroachment, the property owner(s) shall submit the Encroachment Application (Form 14-A) to the District for review and approval. The Encroachment application shall include a plot plan and dimensioned drawing of the encroachment to be installed.

**14.04.06 Insurance**

Each Encroachment Permit holder shall at all times maintain liability insurance coverage covering any permitted encroachment. Such insurance shall contain the following coverage:

- (a) Minimum \$1,000,000 for individual Dock and Gangway serving individual parcels.
- (b) Minimum \$1,000,000 for each parcel under separate ownership for joint use Dock and Gangway serving separately owned parcels.

Permittees shall, as a condition precedent to the issuance of an Encroachment Permit, provide a Certificate of Insurance to District verifying the required coverage and naming District as Additional Insured.

eff. 08/13/03; rev. 04/14/04; \_\_/\_\_/20

**14.04.07 Fees**

The District has established annual fees for permitted Docks. Permittees shall promptly pay all applicable fees invoiced by the District; all docks associated with a parcel with unpaid annual fees may be subject to the immediate removal of the dock from the District's facility.

eff. 08/13/03

**14.04.08 Water Quality Degradation**

District and applicable agencies shall prosecute anyone contributing to the degradation of water quality on any District waters. Inspections shall be made to ensure that sewage and drainage systems are properly located in compliance with governmental regulations. Septic systems shall be installed and operated so that the effluent never reaches District waters. Any spills shall be reported to the District immediately.

No unattended fuel, oil, or chemical containers shall be located in the vicinity of District waters. Violation of this Section shall constitute grounds for revocation of Encroachment Permit with the removal of facilities and reference of the offending party to appropriate authorities for prosecution.

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## SECTION 15

### RECREATION RULES AND REGULATIONS

#### 15.01 USE OF RECREATION FACILITIES

The following campground Rules and Regulations are for public safety and all recreation facility users' comfort. Violators of these rules and regulations will be asked to leave, and no refund will be given.

Lower division recreation facilities are located on Scotts Flat and Rollins Reservoirs. Upper division recreation facilities are located on Bowman, Canyon Creek, Faucherie, Jackson Meadows, and Sawmill Reservoirs.

##### **15.01.01 Release of Liability**

All users of Nevada Irrigation District's (NID) recreation facilities are at their own risk and liability. In granting permission to enter and use the area and facilities, NID and the United States Forest Service (USFS) is not responsible for injury, theft, loss, or damage. By entering the campgrounds, all visitors agree to hold NID and USFS harmless from any claim, demand, or liability.

##### **15.01.02 Respect for Property/Grounds/Amenities**

It is illegal to destroy, damage, or deface any buildings, signs, fences, equipment, trees, etc. No cutting or removal of trees, plants, or rocks is permitted. Do not remove picnic tables, fire rings, or BBQs from campsites, picnic, beach, or store areas. This is theft. Violators of any of these offenses will be prosecuted.

##### **15.01.03 Motorized Vehicles**

Traffic signs governing speed and parking must be obeyed at all times. Vehicles must stay on designated roads. Vehicles must be licensed. No dirt bikes, mini bikes, OHV, ATV, quads, or golf carts are allowed to be operated in the facility.

##### **15.01.04 Watercraft**

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All Watercraft Operators must comply with all state and local boating regulations and laws. Boating is permitted at watercraft owners' or operators' own risk. Knowledge of what type of boat or watercraft are permitted in the lakes or reservoirs of use is the responsibility of the watercraft owner or operator. Watercraft owners or operators are responsible for damages or injury to watercraft, persons, vehicles, or structures. Use of the launching ramp, docks, and watercraft are at the watercraft owner's or operator's risk. No overnight boat camping is permitted on NID lakes or reservoirs.

### **15.01.05 Governing Laws**

All guests must comply with federal, state, and local laws.

### **15.01.06 Behavior**

Behavior offensive to the public, including but not limited to drunkenness, use of narcotics or marijuana, indulging in boisterous, loud, abusive, threatening, or indecent conduct or speech, is prohibited. Consumption of alcohol by persons under 21 years of age is illegal and constitutes grounds of eviction. No refunds will be given.

### **15.01.07 Refusal of Service**

Recreation Staff reserves the right to refuse service and revoke all privileges pertaining to entry for any reason of misconduct, or any violation of the rules that are listed within these Rules and Regulations or that are posted within the facility. Refunds will not be given to persons who are asked to leave the facility for not following these Rules and Regulations.

## **15.02 RECREATION HOURS OF OPERATION**

### **15.02.01 Gate Hours**

Lower Division: Entrance Gate opens daily at 6:00 AM during the summer recreation season. Entrance Gate closes for campers' protection at:

- 10:00 PM - Sunday through Thursday
- Midnight - Friday and Saturday

If arriving after 10:00 PM, please be quiet and respectful to surrounding recreation facility users.

Upper Division: Entrance Gates are always opened during the summer recreation season. We ask that campers set up prior to the times listed below.

- 10:00 PM - Sunday through Thursday
- Midnight - Friday and Saturday

If arriving after 10:00 PM, please be quiet and respectful to surrounding recreation facility users.

### **15.02.02 Day Use Hours**

Day use hours are from dawn to dusk. Day-use visitors are not permitted in campground areas.

Lower Division: Day Use is located in the picnic or marina areas of the facility.

### **15.02.03 Quiet Hours**

Quiet Hours are strictly enforced, 10:00 PM to 8:00 AM. Generators, radios, and other sound-producing equipment may be operated from 8:00 AM to 10:00 PM, providing they are kept at a low volume so as not to be heard in nearby camp or picnic sites. Car radios may not be operated in the park if they can be heard outside the car. Persons violating this noise regulation will be asked to leave. Any decision made by Recreation staff concerning acceptable noise levels is final.

## **15.03 CAMPGROUNDS**

### **15.03.01 Campsites**

Lower Division: Check-in is 3:00 PM, and check-out is 1:00 PM. Campsite fees include campsite, one vehicle or RV, and eight people. There is an additional charge for extra vehicles. Each campsite is equipped with a picnic table and a fire ring. Campsites left in an unsatisfactory condition are subject to a \$50.00 clean-up fee, pictures, and bills will be sent to the person on the reservation.

Upper Division: Check-in is 3:00 PM, and check-out is 1:00 PM. Campsite fees include campsite, one vehicle or RV, and six people. There is an additional charge for extra vehicles at East Meadows, Pass Creek, Findley, Fir Top, and Woodcamp Campgrounds. Each campsite is equipped

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with a picnic table, fire ring, and a bear box. Campsites left in an unsatisfactory condition are subject to a \$50.00 clean-up fee, pictures, and bills will be sent to the person on the reservation. Camping is allowed in designated campgrounds only.

### **15.03.02 Reservations**

Lower Division Reservations for the current year open on January 2nd. Groups of six or more sites, under the same name with the same stay time, can start booking the first Monday in December for the following year. All reservations must be paid for in full at time of booking. We do not take campsite reservations from October 1st through December 31st. Campsites are on a first-come basis. The total number of reserved nights for all reservations may not exceed 14 days per year. Reservations made in excess of the 14 days will be cancelled. Upper Division Reservations can be made six months prior to the date of stay.

### **15.03.03 Refunds or Campground Concerns**

There is a non-refundable reservation fee of \$10.00 per site. We require 14-days' notice to cancel or change a reservation. There is a \$25.00 cancellation/change fee per reservation. For groups of six or more sites, cancellation/changes are subject to a \$100.00 cancellation fee, and requests must be received 30 days prior to the scheduled arrival date, or no refund will be provided. Changing dates or canceling due to weather are considered cancellations—no refunds for holiday reservations.

Cancellations, changes, or refunds for East Meadows, Pass Creek, Findley, Fir Top, or Woodcamp Campgrounds, please contact recreation.gov or call 1-877-444-6777. For Aspen, Silvertip, and Faucherie Groups Sites, please contact Scotts Flat Lake 530-265-8861. All other inquiries contact the campground camp host or call Scotts Flat Lake 530-265-8861.

### **15.03.04 Age Requirement**

Children are welcome under the supervision and responsibility of an adult. All campsites must have a responsible adult (18 or over) in attendance.

### **15.03.05 Trash**

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Please keep a clean campsite. Dispose of all trash in designated containers. Dispose of sewage and drain waste in designated dump stations.

**15.04 FISHING**

**15.04.01 Fishing**

While fishing, all federal, state, and local laws apply.

Lower Division: No fishing on or around docks, boat slips, or beach areas. There is a five-fish limit.

**15.05 SWIMMING**

**15.05.01 Swimming**

Lower Division: Swimming is only allowed in designated swim areas and is not permitted around the boat launching or marina dock areas.

**15.05.02 Diving and Swinging**

No diving is permitted. This includes any diving from trees, docks, rocks or cliff areas. No rope swings or any object tied to trees is permitted.

**15.05.03 Lifeguards**

There are no lifeguards on duty, and all swimmers do so at their own risk. Parents must supervise children at all times.

**15.06 PETS**

**15.06.01 Pets**

Pets must be kept on a leash and attended to at all times. Dogs creating a nuisance are subject to eviction. Pets are not allowed in the swim or beach areas. Horses are not allowed.

**15.07 PROHIBITED ACTIVITIES**

**15.07.01 Fires**



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Absolutely no open ground fires are permitted anywhere in the recreation areas or on shorelines. Fires are only permitted in established BBQ pits and campground fire rings. Do not leave fires unattended, build rock fire rings, or use hand lanterns or tiki-torches. Any person who allows a campfire to escape from the container is liable for any damages of property caused by the fire. These may include fire suppression, rescue, and emergency medical services costs incurred in fighting the fire. Fire restrictions may be imposed at any time due to hot, dry weather conditions, at which time campfires and charcoal fires will not be allowed.

### **15.07.02 Fireworks and Firearms**

No fireworks or firearms are permitted at any time. This includes BB guns, airsoft guns, pellet guns, slingshots, paintball guns, and bows and arrows.

### **15.07.03 Other Prohibited Activities**

Hunting, metal detecting, and drone flyovers are prohibited throughout recreation areas, lands, and reservoirs.

### **15.07.04 Glass Containers**

No glass containers are permitted on the beach.

eff. 06/26/2019 \_\_/\_\_/20