

City of Las Vegas
Planning & Development Department
731 S. Fourth Street
Las Vegas, NV 89101

Attention: Nathan Goldberg, Planner II

Subject: Application/Petition for Water Feature Exemption

Dear Sir:

The subject fountain in violation was constructed and placed into service in 1994 for the purpose of enhancing the appearance, it produces a soothing and pleasing sound as the water cascades over two elevated bowls and, in the evening, the underwater lighting supplements the surrounding landscape lighting effect.

It is our understanding that the fountain became a "violation" in 2004 when the Water District reduced the 200 sq.ft. water surface area to 25 sq.ft. area above which results in a violation. Our request for an exemption is based upon the arbitrary "25" sq.ft. rather than an arbitrary "50" sq.ft. Whereas we understand it is five years too late to challenge such an arbitrary number, we suggest that there are less than five existing residential fountains containing surfaces between 25 and 50 square feet.

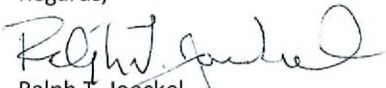
Also, we question our specific violation when compared with the fact that, directly behind our home, Canyon Gate operates over 3 acres of ponds with several lineal feet of water falls. Even if this water is "recycled water", we know that fresh water is used in processing "recycled" water and the quantity of same is several times the quantity used in our fountain.

If our request for exemption is denied, the monthly penalty fee assessed by the Water District will probably exceed the \$70.00 we remit to Canyon Gate for these "backyard" ponds. We will prepare a life-cycle cost comparison to determine whether we should demolish our fountain or pay the assessment fee. But, this is our dilemma. We have not responded to the Water District to express our thanks for not assessing the fine retroactively for five years nor have requested the Water District to justify their position in failing to notify our violation in 2004. In any case, we appreciate their effort and hours expended by the City to review our "case".

Please find the enclosed form and the required information, as follows –

- Site plan (24"x36")
- Deed
- Statement of Financial Interest
- Las Vegas Valley Water District Notice of Violation

Regards,


Ralph T. Joeckel
8909 Canyon Springs Drive
Las Vegas, NV 89109

DIR-33669
04-15-09 CC