

Attachment 3:

Work Plan/Project Map(s)



Attachment 3: Work Plan

Project Description

The Turf Replacement Conservation Incentive Program provides rebates to water users within the Mojave Water Agency (MWA, Agency) service area for replacement of turf grass with low-water-use landscaping. This program has proven to be one of the most popular and effective water conservation programs offered by the Agency.

In operation for six years, the turf replacement rebate incentive program has saved over 1,200 acre-feet (AF) of water per year through the replacement of more than 7 million square-feet of turf grass in the MWA service area.

The following are requirements for applicants to participate in the program:

- Applicants have six months for their landscape conversion projects to be completed.
- The converted landscape must replace at least 25% of the area of turf removed with desert adaptive and/or drought tolerant plants.
- Landscapes must be configured to minimize stormwater runoff and maximize percolation to groundwater.

Upon successful completion of the landscape conversion:

- Residential applicants are eligible for a \$1.00 per square foot rebate check up to a maximum of \$20,000 for 20,000 square-feet of irrigated turf removed.
- Commercial applicants are eligible for up to \$20,000 if 20,000 square-feet or more of irrigated turf are removed from a site.

The Program's water savings are calculated with a standard coefficient¹ of 55 gallons of water per year saved per square foot of turf replaced with xeriscape. Individual MWA retailer service area studies, however, have shown savings of up to 80 gallons per square foot.

¹The 2005 Southern Nevada Water Authority Xeriscape Conversion Study shows average water savings of 55.8 gallons per square foot by converting grass to a water smart landscape when turf grass is replaced with xeriscape (http://www.snwa.com/html/cons_wsl_xeriscape.html). Audited water bills within the Mojave Water Agency show similar (55 gallons per square foot) results for Cash for Grass program participants. Average ETo in Mojave Water Agency is 68 inches per year.



Although the boundaries relevant for Program implementation are those of the MWA, the Agency will work with local water purveyors for implementation of individual turf replacement projects. As noted in Attachment 7, much of the MWA service area is economically disadvantaged and the increased rebate rate being introduced by the Program is designed to encourage participation by low-income households.

Project Proponent/Partner

The Program will be administered by MWA and local funding will be provided by the Agency. Although MWA has no formal partner, the Program has strong local support as evidenced by the high level of participation in previous turf replacement programs and by the level of support provided by local retail purveyors who work with MWA staff in program implementation. On some occasions, the involvement of retail purveyors has extended to provision of additional incentives to program participants. The major significance of this support is that it indicates the degree to which the MWA has been successful in developing a mentality of prudent water stewardship within the MWA service area. This mentality is particularly important in low-income communities where water and energy savings, and the resulting reductions in water bills, are a clear benefit to household budgets.

Work Plan Tasks

Task 1: Program Administration and Reporting

Task 1a: Program Administration: Specific tasks related to Program Administration include budget, schedule, communication, and grant administration (preparation of invoices and maintenance of financial records and reporting as needed for grant administration). Program Administration will be coordinated by a Project Manager (PM) on MWA's staff. The PM will be the point of contact throughout the Program's duration and will be responsible for day-to-day activities including all reporting. The PM will also coordinate with the Alliance for Water Awareness and Conservation (AWAC) and retail water purveyors regarding operational and implementation issues.

Deliverables: Reporting and Invoicing as required.

Completion Status: 0% complete

Task 1b: Project Administration: Activities included in administration of individual turf replacement projects will include tracking project costs, maintaining financial records, certification of project completion and facilitating all rebate payments to program participants. MWA will also assist with implementation, work with the participants, and provide auditing support. Specific activities will include pre-inspection and measurement of the applicant site, application and phone call processing, and entry of water savings data into a common database. Customer support is on-going throughout the application process with the level of support varying among applicants. Much of the direct customer support is provided by retail water purveyors with oversight provided by the MWA Project Manager. The application must be pre-approved before commencement of a conversion project.

Deliverables: Pre- and post-project inspection reports, certificates of project completion and summary of rebates to participants.

Completion Status: 0% complete.

Task 1c: Reporting: MWA will prepare quarterly progress reports in addition to a final report describing the Program and its outcomes. The progress reports will describe activities undertaken and accomplishments of each task, milestones achieved and any problems encountered in the performance of the work. The final report will be prepared and submitted once the Program has been completed.

Deliverables: Quarterly and final reports.

Completion Status: The reporting task is approximately 5% complete.

Labor Compliance: The proposed Program involves planning and administration work and does not include work or trades subject to labor compliance, nor will contractors be hired as part of this effort. Therefore, the Program does not include a labor compliance task.

Task 1d: Advertising, Public Outreach: MWA will advertise the Turf Replacement Conservation Incentive Program and perform public outreach, focusing on residential landscape customers. This will include placing, printing, and broadcasting media advertisements, as well as attending community functions and distributing multi-lingual application materials. Print materials have been prepared and broadcast advertisements will be updated to describe the current program.

Deliverables: Outreach materials.

Completion Status: 80%

Task 2: Land Acquisition/ Easement

Task 2: Land Acquisition/Easement: Not Applicable. No land purchases or right-of-way easements are required.

Task 3: Planning/Design/Engineering

Task 3a: Planning: MWA has been implementing a “Cash for Grass” turf replacement program successfully since 2008, providing rebates for removing more than 7 million square-feet of turf and yielding more than 1,200 acre-feet per year (AFY) in water savings to date. Water savings estimates for the proposed program are based on projections and savings seen in similar programs throughout the western United States (e.g., the 2005 SNWA’s Xeriscape Conversion Study) and from experience with the existing MWA program. The technical feasibility of turf replacement programs has long been documented and is a key element to the "New Normal in California Landscapes"² which promotes an integrated approach to landscaping, defined and

² "Achieving A New Normal in California Landscapes." 2014 Landscape Symposia Report (2014): California Urban Water Conservation Council, 2014. Web.
<<http://www.cuwcc.org/Portals/0/Document%20Library/Resources/Workshops/Landscape%20Symposia/CUWCC%20Landscape%20Symposia%20Report.pdf>>.



promoted by DWR and the California Urban Water Conservation Council. The Program is applicable to the entire MWA service area and, while geared toward residential users, small commercial, industrial and institutional uses may also participate. The Program is also consistent with the South Lahontan Basin Plan. No additional design reports or investigations are needed. However, a final Program Plan will be prepared to provide complete guidelines for Program participation and administration.

Deliverables: Final Program Plan

Completion Status: 50%

Task 3b: Design/Engineering: The MWA Turf Replacement Conservation Incentive Program will provide funding to replace 2 million square-feet of turf with low-water-use landscaping, providing rebates of \$1 per square-foot of turf replaced. The Program is designed for consistency with the “New Normal in California Landscapes” cited in footnote 2. Designs require that: 1) the converted landscape must replace at least 25 percent of the area of turf removed with desert adaptive and/or drought tolerant plants; 2) landscapes must be configured to minimize stormwater runoff and maximize percolation to groundwater; 3) project size must range between 100 and 20,000 square-feet.

Any construction and on-site work is the responsibility of the rebate applicant; no engineering or design work is required on the part of MWA for implementation of the rebate Program. Pre-inspection services and customer support will be provided by the local retail agencies under the oversight of the Agency PM.

Deliverables: Pre-inspection services and customer support provided by local agencies under the supervision of the MWA.

Completion Status: 0%

Task 4: Environmental Documentation

Task 4: Environmental Documentation: The Program incentivizes conversion of landscapes from high water use turf to desert and drought adaptive plants. The Program falls under CEQA Categorical Exemption Class 4(b) - (section 15304(b)). A Notice of Exemption (NOE) was filed for the “Cash for Grass” Program with the San Bernardino County Clerk in 2011 (see Exhibit 3-2) and this NOE will provide CEQA coverage for the proposed extension of the Program.

Deliverables: Notice of Exemption

Completion Status: 100%



Task 5: Permitting

Task 5: Permitting: Based on MWA’s previous experience with similar projects, permits will not be required.

Deliverables: N/A

Completion Status: N/A

Task 6: Program Monitoring Plan

Task 6: Program Monitoring Plan: A Program Monitoring Plan (PMP) will be prepared and submitted to DWR prior to disbursement of grant funds for implementation for this Program. The Program will be monitored through water metering and long-term audits to ensure water reductions of at least 343 AFY for ten years. The observed reductions in water usage will be used as the basis for updating estimates of energy savings and reductions in greenhouse gas emissions. Long-term audit reports will be published every 5 years and will be available on the MWA website, in Urban Water Management Plan updates, and in reporting to DWR.

Program monitoring will also include pre- and post-conversion inspections. Pre-conversion inspections will be conducted by the participating local water purveyor, will include photographs of the landscape, and are a requirement for pre-approval before an applicant may remove any lawn and begin a conversion.

Post-conversion inspections include verifying rebate eligibility, obtaining converted landscape area measurements, inspecting the irrigation system, plant eligibility review for program compliance, and photography of the completed conversion. If the converted landscape or irrigation system fails inspection, the landowner is allowed the greater of 60 days or the remainder of the six-month period to fully comply with the program conditions.

As described in Attachment 6, monitoring activities will extend past completion of the conversion to compare pre- and post-conversion water usage and to relate changes observed in water usage to energy demand and greenhouse gas emissions and to determine the duration of the turf removal projects.

Deliverables: Program Monitoring Plan and Program audit reports

Completion Status: 0% Complete

Task 7: Project Construction/Implementation

Task 7: Construction/Implementation: Under Task 1b, staff from MWA and local water purveyors will work with residential, commercial, industrial, and institutional customers to write contracts for reimbursing \$1 per square foot of turf replacement. These efforts include pre-approval of site designs and plans and agreement of applicants to a post-conversion inspection to ensure project compliance. Participants will contact their local water providers to request an application (see Exhibit 3-2 for an example of previous program application form).



Construction/Implementation activities will be performed by pre-approved applicants who will be responsible for successful implementation of their landscape conversion projects.

Deliverables: Contracts for up to 2,000,000 square-feet of permanent turf replacement over two years; documentation and processing of applications.

Completion Status: 0%.



Exhibit 3-1: Water Conservation Incentive Program Notice of Exemption

**Attachment 3
Environmental Information Form**

Grantees are responsible for complying with all applicable laws and regulations for their projects, including the California Environmental Quality Act (CEQA). Work that is subject to the CEQA shall not proceed under the IRWM Grant Agreement until documents that satisfy the CEQA process are received by the Department of Water Resources (DWR) and DWR has completed its CEQA compliance review. Work that is subject to a CEQA shall not proceed until and unless approved by DWR. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation. **This form is to be completed by the Grantee or Lead Agency.**

Grantee organization: Mojave Water Agency
 Project Manager: Jamara Alaniz Project Title: WCIP
 Phone Number: 760-946-7038
 Address: 13846 Conference Center Dr. Apple Valley, CA 92307

1. List the source of any other grants or funds received from the Department of Water Resources to implement a portion of this project. If none, please respond NA. n/a
2. Is this a project as defined by CEQA? Explain. If no, skip to No.9 below. If yes proceed to No. 3. yes
3. Is this project exempt from CEQA compliance? Yes No
 If no, skip to No.4, below.
 If yes, check the appropriate response below; provide reasons for exemption in the space provided below; and then skip to No.9, below. Cite the CEQA Article, Section and Title of the CEQA exemption, if appropriate (statutory exemptions: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html , categorical exemptions: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html);
 Lead Agency has already filed a Notice of Exemption (NOE) with the State Clearinghouse and/or County Clerk. (Attach copy of the NOE and, if applicable, a copy of the governing Board Resolution accepting the NOE)
 Lead Agency will file a NOE with the State Clearinghouse and/or County Clerk. Provide estimated date: _____
 Lead Agency will NOT file a NOE with the State Clearinghouse and/or County Clerk. If Lead Agency chooses not to file a NOE, sufficient documentation and information must be submitted to the Project Manager, along with this form, to allow DWR to make its own CEQA findings.

Reasons for Exemption: Categorical Exemption - Class 4b

4. If the project will require CEQA compliance, identify the Lead Agency.
 CEQA Lead Agency: Mojave Water Agency - n/a (see above)
5. Please check types of CEQA documents to be prepared: n/a
 Initial Study
 Negative Declaration / Mitigated Negative Declaration
 Environmental Impact Report



Notice of Exemption

Receipt #415538 Appendix E

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) Mojave Water Agency (MWA)
13846 Conference Center Dr., Apple Valley, CA 92307
760-946-7000 (Address)

County Clerk
County of San Bernardino
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

OCT 14 2014

Project Title: Turf Removal Component of the Water Conservation Incentive Program (Program)

Project Location - Specific: Within 4,900 square mile MWA service area - Red Mountain in the north, Los Angeles County Line in the west, San Gabriel/Bernardino Mountains in the south, Yucca Valley & Joshua Tree in the East

Project Location - City: Various Project Location - County: San Bernardino

Description of Nature, Purpose, and Beneficiaries of Project:

The Program is designed to change the landscaping habits of High Desert residents and businesses by incentivizing landscape conversions from high water using turf to desert and drought adaptive plants. The Program has conserved 900 a/f/year for beneficiaries within four cities, two towns and unincorporated areas of San Bernardino County.

Name of Public Agency Approving Project: Mojave Water Agency Board of Directors

Name of Person or Agency Carrying Out Project: Mojave Water Agency (MWA)

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(a));
- Categorical Exemption. State type and section number: Class 4(b) - (section 15304(b))**
- Statutory Exemptions. State code number:

Reasons why project is exempt:

Class 4 - Minor Alterations to Land; (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

Lead Agency Contact Person: Tamara Alaniz Area Code/Telephone/Extension: 760-946-7038

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 10-13-11 Title: Board President

- Signed by Lead Agency Date received for filing at OPR:
- Signed by Applicant

Revised October 1989

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DATE FILED & POSTED



Mojave Water Agency: 2014 Water-Energy Grant Program – Attachment 3: Work Plan

State of California—The Resources Agency
 DEPARTMENT OF FISH AND GAME
2011 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# **415538**
 STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: **Mojave Water District Agency** DATE: **10-14-2011**
 COUNTY/STATE AGENCY OF FILING: **San Bernardino, CA** DOCUMENT NUMBER

PROJECT TITLE: **Turf Removal Component of Water C.P.**
 PROJECT APPLICANT NAME: **Mojave Water Agency** PHONE NUMBER: **760-7944-7038**
 PROJECT APPLICANT ADDRESS: **13846 Conference Center Ad.** CITY: **Apple Valley** STATE: **CA** ZIP CODE: **92307**

PROJECT APPLICANT (Check appropriate box):
 Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$2,839.25	\$	
<input type="checkbox"/> Mitigated/Negative Declaration (ND)(MND)	\$2,044.00	\$	
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$	
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$965.50	\$	
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	50.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption			
<input type="checkbox"/> DFG No Effect Determination (Form Attached)			
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:
 Cash Credit Check Other

TOTAL RECEIVED \$ **50.00**

SIGNATURE: **Norma DeTate** TITLE: **Deputy Clerk**

WHITE - PROJECT APPLICANT YELLOW - DFG/AGB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK FG 793.96 (Rev. 11/10)



Exhibit 3-2: Cash for Grass Application Form

Application # _____ Date _____

HIGH DESERT SAVES WATER Cash for Grass Landscape Program

Mojave Water Agency (MWA), in partnership with your local water district or municipality, and the State of California Department of Water Resources, are offering property owners a rebate cash incentive to remove lawn and replace it with water-efficient landscaping through the Cash for Grass Program. Beginning in February 2008, rebates are offered to water retailer customers and property owners served by the Mojave Water Agency at \$0.50 per square foot to replace lawn with eligible low water-use landscaping. This program offers financial assistance to customers by offsetting a portion of the cost to convert water-thirsty lawn to native and desert adaptive landscapes.



- REQUIREMENT: Please read all program rules carefully before submitting this application.**
1. Starting without water agency approval will make your landscape conversion project ineligible for participation in this program.
 2. Program funding is limited.
 3. Applications will be accepted on a first-come, first-serve basis while funding is available.
 4. MWA, at its discretion, may at any time modify, suspend, or terminate this program without prior notice.
 5. Please submit this original application only after application is completed and all necessary items listed are included.

ELIGIBILITY

Customers served by local water district municipalities: Program application must be mailed to your local water district and pre-approved by your local water district before removing any lawn and beginning the landscape conversion project. Your water district may require your presence during the site pre-inspection before providing approval for your project. See item "PRE-CONVERSION INSPECTION" on other side of this application for more information.

Customers served by water retailers and those receiving water from alternative water sources such as wells or water truck haulers: Program application and your most recent property tax statement must be mailed to the Mojave Water Agency and pre-approved by Mojave Water Agency before removing any lawn and beginning the landscape conversion project. MWA may require your presence during the site pre-inspection before providing approval for your project. See item "PRE-CONVERSION INSPECTION" on other side of this application for more information.

Areas to be converted must be living and maintained lawn only.

Residential landscape conversion limits – zero square feet (sq. ft.) up to 6,000 sq. ft. maximum.

Commercial/Industrial/Institutional (CII) landscape conversion limits – zero square feet up to 20,000 sq. ft. maximum.

Applicant must participate in a post-inspection to receive final approval and sign-off of the landscape and irrigation system conversion before a rebate check will be issued. Once your project is completed, contact Niagara Conservation Corporation to schedule a post inspection at 800-831-8383, ext. 9308.

Note: *Prior to conversion projects exceeding maximum square footage will be considered on a case-by-case basis and subject to pre-approval by Mojave Water Agency.

Notes: _____

Property Owner _____	Date _____
Service Address _____	
Mailing Address (if different than above) _____	
City _____	Zip _____
Daytime Phone () _____	Evening Phone () _____
Email Address _____	
Your Water District _____	
My Account Number or APN is: (Please refer to your water bill or property tax statement) _____	
How did you hear about the program? Mailer__ Newspaper__ Radio__ AWAC__ Website__ Other_____	

FOR OFFICE USE ONLY PRE-INSPECTION

Date _____
Application # _____
Water Account # _____
Water District Code _____
Site _____

Residential
Multi-Family
CII

Sq Ft grass to be removed _____

Sq Ft of plant cover (A + 4) _____

Type of irrigation in area _____

Consumption history of customer _____

Expected date of completion _____

Date photo taken (attached) _____

Inspector signature _____

Owner signature _____

POST-INSPECTION

Date _____
Sq Ft removed _____

Sq Ft of plant cover installed _____

Converted to drip irrigation _____

Yes
No

Date photo taken (attached) _____

Inspector Signature _____

Owner Signature _____

Please read the paragraph below carefully before signing. If you do not fully understand each of the statements, please call 800-831-8383, ext. 9308 or visit www.highdesertsaveswater.org.

I am the rightful owner or owner's agent for the property described above. I agree to abide by the rules of this program. This application has been accurately completed and the information herein is intended to meet the incentive program requirements. I understand that I may be disqualified from this program if my irrigation system is found to have any serious inefficiencies during the irrigation audit. I will not begin my landscape conversion replacement project until I have been notified at or following the pre-conversion inspection that my application has been approved.

Property Owner: _____ Date: _____

Inspector's Signature: _____ Phone Number: _____

For office use only Processed by _____ Date _____ Check Amount _____ Check# _____ Date to NCC _____ by _____ ORIGINAL NCC - YELLOW WATER AGENCY - PINK POST-INSPECTION CUSTOMER - GOLD PRE-INSPECTION CUSTOMER



Mojave Water Agency: 2014 Water-Energy Grant Program – Attachment 3: Work Plan

LANDSCAPING REQUIREMENTS

A 25% living plant coverage may be required by your supervising water district or municipality. This information will be provided during your pre-inspection. Plant lists are available through your local water district or municipality and the Alliance for Water Awareness and Conservation (AWAC) www.hdawac.org website. Remaining lawn areas are not considered as plant cover. Plants and lawn outside the converted area are not covered or considered in the rebate calculation even if they are adjacent or overhanging into the area. It is recommended that converted areas be covered by a minimum two (2) inch layer of permeable mulch and this may be a requirement in your area. Mulches may include bark, rock, un-grouted stepping stones, and permeable artificial turf. Non-permeable materials like plastic film are not permitted.

IRRIGATION SYSTEM REQUIREMENTS

If a spray irrigation system is currently being used, it must be converted to a low-volume drip system equipped with a pressure regulator, filter and emitters providing irrigation to new plantings. Each drip emitter must be rated at less than 20 gallons per hour (gph). Spray irrigation is not permitted in the landscape conversion area and must be capped off if not converted to drip irrigation. If part of a lawn is converted, the sprinkler system must be properly modified to provide adequate coverage to the remaining lawn without spraying the converted area.

REBATE TERMS

The terms of this agreement expire in six calendar months from the date the application is approved, or the date of the pre-inspection. Extensions are not available. The final inspection is not counted against the six-month time limit once your water district or Niagara Conservation Corporation has been notified that your project is complete. Only one rebate payment may be received under this agreement. Mojave Water Agency reserves the right to reject or limit the number of applications being processed. Applications will be accepted on a first-come, first-serve basis and only while funding is available or until the program is discontinued.

REBATE AMOUNT

The Cash for Grass rebate is \$0.50 per square foot for approved landscape conversions. Additional rebate dollars may be provided by your local water district and will be added to your rebate check. Cash for Grass rebate amounts:
\$0.50 up to \$3,000 – Single Family Residential
\$0.50 up to \$10,000 – Commercial, Industrial and Institutional
Rebate checks are issued within 60 days after the post-inspection to the billing name on the account.

PRE-CONVERSION INSPECTION

Pre-inspections of your existing landscape will be conducted by your local water district or municipality. Applicants who receive water by well or water hauler service will be pre-inspected by Mojave Water Agency. Your application must be pre-approved before removing any lawn and beginning a conversion.

- Photos of the existing lawn will be taken during the landscape pre-inspection. _____ (Initial)
- Your local water district **requires** that you, or an authorized person over the age of 18, be present during the pre-conversion inspection.
- Your local water district, municipality or MWA **does not require** your presence during the pre-conversion inspection. If you are unable to be present and authorize the pre-inspection to take place, please sign the site authorization section of your application form. _____ (Initial)

POST-CONVERSION INSPECTION

Once the landscape project is finished, you are responsible for notifying Niagara to schedule a post-inspection. Niagara's toll free number is 800-831-3383, ext. 9308. You, or an authorized person over the age of 18, are required to be on premise during the post-inspection. The post-inspection will include taking photos of the converted landscape, obtaining converted landscape area measurements, irrigation system inspection, plant eligibility review for program compliance and rebate eligibility verification. _____ (Initial)
If the converted landscape or irrigation system fails inspection, you will be notified, provided an explanation, and **allowed 60 (sixty) days** or the remainder of the six-month period, whichever is greater, to fully comply with the program conditions. No additional extensions are allowed.

CONVERSION SUSTAINABILITY REQUIREMENTS

The converted area must remain in compliance with all program conditions for a period of two (2) years. If the landscaping is altered during this two (2) year period, you may be required to refund some or the entire rebate if this requirement is violated. Landscape and plant maintenance, plant quality and appearance before, during, and after the conversion are the sole responsibility of the applicant. This requirement is void upon property transfer of ownership.

OTHER APPLICANT RESPONSIBILITIES

Mojave Water Agency and partnering water districts enforce only the conditions of this agreement. The applicant is responsible for complying with all laws, policies, codes and covenants that may apply. Program rebates for more than \$600 may be considered taxable income requiring IRS Form 1099 to be issued as required by law.

Disclaimer – MWA reserves the right to reject any application that does not meet all of the requirements of the MWA "Cash for Grass" Landscape Incentive Program. MWA makes no representations or warranties as to the condition, quality, effectiveness, operability or cost of installing or maintaining residential, multi-family, commercial, industrial, or institutional landscapes subject to this program, or of removing or disposing of any landscape or irrigation equipment debris in connection therewith and, to the extent not prohibited by law, disclaims all express and implied conditions, representations and warranties related thereto, including without limitation, any implied warranty of merchantability or fitness for a particular purpose. Limitation of Liability/Release – Applicant understands and agrees that, to the extent not prohibited by law, in no event shall MWA, its officials, officers, employees or agents be liable for any claimed or actual damages or losses of any kind, however caused and regardless of the theory of liability, related in any way to this landscape "Cash for Grass" rebate incentive program, even if MWA has been advised of the possibility of such damages or losses. To the extent not prohibited by law, applicant assumes all risks associated with this program, including without limitation, all risks associated with purchase, installation and maintenance of landscape material and irrigation system equipment subject to this program (including without limitation the risk of not realizing cost savings as a result of converting to low water use landscape), and the removal and disposal of any landscape materials, irrigation system equipment, and landscape maintenance debris in connection therewith. Applicant releases MWA its officials, officers, employees and agents from any and all claims for damage or death or injury to any persons or property arising in any way from this "Cash for Grass" landscape rebate incentive program, any landscape material disposal, irrigation system equipment, or landscape maintenance and equipment subject to this program (including without limitation the use or operation thereof), or the removal or disposal of any landscape materials and irrigation system equipment in connection therewith, other than those caused solely by the willful or grossly negligent acts or omission of MWA.

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