

RULES AND REGULATIONS FOR

**BARLOW WATER IMPROVEMENT DISTRICT
(Hereafter known as BWID)
11 South County Road #B
TYGH VALLEY, OREGON 97063
Phone (541) 544-2920**

Revisions as Approved by Board April 10, 2021

This document outlines the rules, regulations, charges, and penalties that apply to all Property Owners within BWID's boundaries. For purposes of these Rules and Regulations the term "Property Owner" is defined as those persons who are a legal owner of a tract of real property, regardless of whether water service is delivered. The BWID water supply system includes and BWID will maintain all wells, pumping stations, storage reservoirs, distribution, supply and feeder pipes, meters, and all other appurtenances, devices, lines or any equipment necessary for the operation of the BWID's water system in order to supply potable water to individual Property Owners within the District's boundaries. BWID does not supply water for commercial agricultural irrigation, including marijuana grow operations.

Section 1. Application for Installation, Activation, or Alteration of Water Delivery Service

Only BWID's Manager or a person authorized by the BWID board shall connect, disconnect, or otherwise make alterations to a service connection. Application for the installation, activation, or alteration of BWID's water delivery service shall be made by submitting a completed BWID Service Application and Agreement form. By signing the Application, the Property Owner agrees to follow BWID's Rules and Regulations and acknowledges that non-compliance may result in discontinuance of water service. Depending on the type of request, the application may need approval of BWID's Board of Directors. Once Board approval is received, if required, the District Manager shall notify Property Owner and provide a copy of the approved application. Applications can be made by appointment with the District Manager, Monday through Friday or by mail to BWID, 11 S. County Rd. #B, Tygh Valley, OR 97063-9749. Property Owners, rather than tenants, have ultimate responsibility for all BWID account charges.

Section 2. New Connections to the BWID Water Delivery System

- a) New Construction for Installation: After a copy of the Board approved Application for New Construction/Installation to BWID's water delivery system has been provided to the Property Owner, costs will be estimated by the District Manager and provided to the Property Owner. Once advance payment of the administrative fee and construction/installation estimate (see Rate Schedule) has been received; BWID will initiate the construction, installation, and connection of water delivery lines from the main (up to and including) a new water meter. After completion, but prior to service activation, payment of actual installation costs that exceed the previously paid deposit (if any) is required. Only the District Manager or a person authorized by the BWID board shall connect, disconnect, or otherwise make alterations to a service connection. As stated in the Service Application and Agreement Form, by signing the Application, the Property Owner has agreed to follow BWID's Rules and Regulations; non-compliance may result in discontinuance of water service.
- b) New Service Connection: Only the District Manager or a person authorized by the BWID Board shall make connections, disconnections, or otherwise make alterations to a service connection. A new service connection applies if property has existing pipe from BWID's water

main, but no Property Owner service line is connected to BWID's water meter. As stated in the Service Application and Agreement Form, by signing the Application, the Property Owner has agreed to follow BWID's Rules and Regulations; non-compliance may result in discontinuance of water service.

- c) Back Flow Devices: State Statutes require under certain circumstances that Property Owners install a back flow device that meets state specifications prior to activation of water service. If a backflow device is required, upon request by a Property Owner, BWID can assist with arrangements for the installation of a back flow device. See Section 23 of these Rules and Regulations for more details regarding back flow devices.
- d) New Billing of Base Water Charge: Upon activation of water service after new construction/installation or a new service connection, BWID's Base Water Rate (see Rate Schedule) will be added to the Property Owner's bill. Proration is not available and since BWID bills on the 15th of the month for the previous month's charges; for billing purposes only, 30 days will be added to the activation date.

Section 3. Service Lines

The Property Owner's service line, beginning at (and connected to) the discharge point of the BWID water meter shall be constructed and maintained by and at the expense of the Property Owner. The Property Owner is responsible for protecting service lines beyond the meter connection point from freezing or physical damage. Property Owners are also responsible for all damages resulting from leaks and breaks in such line (including charges for all water usage resulting from any broken system, user distribution lines, or valves). All Property Owners' service distribution lines shall conform to code as outlined in the Uniform Plumbing Code, Wasco County, and the State of Oregon. BWID is responsible for installing the water meter and connecting the meter discharge (first connection point) at the meter to the Property Owner's Service Line. It is the Property Owner's responsibility to install a pressure regulator if they want to limit water pressure.

Section 4. Separate Service

Whenever a metered service connection supplies more than one point of distribution located within a Property Owner's lot, all subsidiary service must, whenever physically possible, be arranged so that the supply to each separate distribution point may be controlled by separate isolation control valves.

Section 5. Opening and Closing of Meter Water Control Valve

Only the BWID Manager or a duly authorized person is allowed to operate the lockable water control valve at a supply meter. Application to have a water meter turned on shall be made in accordance with Section 1 of these Rules and Regulations. See Section 10 for Discontinuance of Water Service. Each Property Owner shall be responsible for installation and operation of a separate water control valve located downstream of the BWID meter.

Section 6. Resale of Water

No water shall be resold or re-distributed by a Property Owner to a separate lot or additional residence located on the Property Owner's lot without the knowledge and advanced written approval of the BWID Board. This restriction does not include water use by recreational vehicles that are temporarily set up on a Property Owner's lot by visitors or guests.

Section 7. Single Meter Service

If BWID discovers a single metered service connection is servicing more than one single-family residence per lot, BWID will notify Wasco County or the State of Oregon that a violation of building codes, land use laws, or the like, has been identified. BWID will look to the county or state to enforce

applicable laws or regulations. BWID retains the right to terminate service to the legal single residence until a resolution of the violation is satisfied.

Section 8. Defective Faucets and Fixtures

Water will not be delivered to Property Owners where there are known defective plumbing fixtures including but not limited to pipes, faucets, closets, or where closets or urinals are installed without self-closing valves or tanks without self-closing float valves. If such problems are discovered, BWID retains the right to terminate service until the defect is cured.

Section 9. Right of Access

Authorized BWID personnel shall be allowed full access to the Property Owner's property as required in order to read and/or inspect BWID's meter, any backflow devices, or the Property Owner's water distribution lines. If required, BWID will provide a special lock or key lock box to certain Property Owners to assure that access is possible. Whenever possible, BWID will notify the Property Owner in advance that District personnel will be accessing the property for a periodic inspection. BWID reserves the right to maintain access to read the water meter without advance notice and it is the Property Owner's responsibility to assure the meter is directly accessible at all times and not covered with dirt, debris, vehicles, etc.

Section 10. Discontinuance of Water Service

Only the BWID Manager or a person authorized by the BWID board shall make connections, disconnections, or otherwise alter a service connection. Monthly Capital/Maintenance Recovery Charges and Base Water Charges continue to bill during ALL periods of water discontinuance, regardless of the reason for discontinuance of water service.

Although minimum monthly billing continues during periods of discontinuance of water service, upon written request by a Property Owner, BWID will discontinue the flow of water to their service meter for temporary periods of time. See Section 15 for discontinuance of water service due to delinquency of payment and Section 21 for discontinuance of water service due to failure to comply with BWID's Rules and Regulations.

Section 11. Water Reconnection Charges

The monthly Capital/Maintenance Recovery and Base Water Rate Charge will continue to bill during ALL periods of discontinuance of water service, regardless of the reason for discontinuance. Outstanding account balance, late charges, accrued interest, security deposit, restoration fees, and any other applicable fees, if any, are payable in advance of restoration of water service. Upon receipt of all outstanding charges, the Property Owner's water service will be restored during regular working hours.

Section 12. Temporary Discontinuance of Service

The water supply to the BWID distribution mains may be shut off without notice for emergency repairs and other necessary purposes. In such cases, the BWID will not be responsible for any consequential damages. Whenever it is practical, BWID will make reasonable efforts to provide at least one hour notice to affected Property Owners before water is shut off.

Section 13. Water Use Charges

The Board of Directors shall establish charges to cover use of water, maintenance, operation, principal and interest of indebtedness, and other anticipated expenses for the ensuing year. Charges shall be reviewed annually and changed, if required, by June 1st for the period beginning the subsequent July 1st. Upon request, a current Rate Schedule (see Addendum One), is available in BWID's business office.

Any change, and explanation of the need for change, shall be published in the BWID newsletter and mailed to Property Owners prior to implementation.

BWID shall bill Property Owners by the 15th of each month for water and services provided the prior month. Payment shall be due and payable to the BWID office on the fifth (5th) day of the following month, unless the fifth day of the month falls on the weekend, then the payment is due the first work day of the following week. If water services are used by others on a Property Owner's account, ultimate responsibility for payment remains with the Property Owner.

Section 14. BWID Fixed Capital/Maintenance Recovery Charges

- a) Fixed Capital Recovery Charge: A long term loan/grant was received from the USDA in 2006 to provide capital funds for improvements to BWID's water delivery and storage system. With annual payments of \$141,901, that loan will be paid off in 2046. All Property Owners within the BWID boundaries shall be assessed a monthly fee for this system improvement loan, regardless of whether water service is delivered (see Rate Schedule). The Board has the authority to waive water service charges for publicly owned property if 1) property is used solely for public use, 2) no fees are charged for public use/access of property.
- b) Fixed Maintenance Recovery Charge: A portion of system operating costs are fixed and not directly related to the delivery of water to Property Owners. These costs include a portion of labor, equipment costs, testing fees, office rental, and other water delivery maintenance costs. All Property Owners within the BWID boundaries shall be assessed a fixed monthly maintenance recovery charge, regardless of whether water service is delivered (see Rate Schedule).
- c) Should BWID agree to provide water delivery service under a separately written contract to any Property Owner located outside the Pine Hollow Development boundary, the normal water delivery service billing will include amounts equivalent to the current Fixed Capital Recovery Charge plus the Fixed Maintenance Recovery Charge.

Section 15. Delinquency; Shut-Off; Liens

- a) Monthly billing charges shall be due and payable to the BWID office on the fifth (5th) day of the following month unless the fifth day of the month falls on the weekend, then the payment is due the first work day of the following week.
- b) A Non-Sufficient Fund (NSF) fee will be charged for any returned checks (see Rate Schedule).
- c) Unpaid charges shall become delinquent 10 days from the billing due date and a monthly late fee applies (see Rate Schedule). Current charges must be paid in full at the time of billing, but payment arrangements may be made with the District Manager for past due balances, which must be paid within 60 days. Interest will be charged on past due amounts at the rate of 1.5% per month, or a fraction of a month, until paid.
- d) If past due charges are not paid within 60 days of the billing date, water services may be discontinued after written notice of pending discontinuance has been provided. Written notice will be given to the Property Owner by regular mail or by posting a notice on the premises at least five (5) days in advance of the shut off.
- e) The notice of pending discontinuance of water service will advise the Property Owner that once water service has been discontinued, prepayment of current account balance, late fees, and interest; as well as a security deposit consisting of a minimum water charge (Fixed Monthly Recovery Charges plus Base Rate) for a two month period and a water service reconnection fee (see Rate Schedule) will be required prior to reactivation of water service. After twelve consecutive months of timely payments, the two month security deposit will be refunded as a credit to the Property Owner's account.

- f) The notice to discontinue water service will also state that if the charges are disputed, an informal conference with the BWID Board of Directors may be requested. Such request must be received no later than two days prior to the scheduled shut off date.
- g) The notice to discontinue water service will also include a notation that BWID has the authority to place a lien on the property for non-payment.
- h) If current written legal proof of disability is presented to BWID annually, the notice to lien shall still apply, however, water service will not be shut off and monthly charges, fees, and interest will continue to bill until paid in full. If needed, BWID's District Manager can provide information regarding requirement for legal proof of disability.
- i) Once water service has been shut off, other than for proven disability cases, water will not be restored until the account balance, late charges, accrued interest, security deposit, reconnection fee, and any other applicable charges have been paid in full. Upon receipt of all payments due, the Property Owner's water service will be reconnected during regular working hours.
- j) See Section 21 of these Rules and Regulations for discontinuance of water service due to failure to comply with BWID's Rules and Regulations.

Section 16. Collections

BWID may exercise legal action for collection of water rates, fees, and other charges as provided by the laws of the State of Oregon and authorized by the Board of Directors.

Section 17. Unauthorized Water Meter Turn On after the District has shut Off the Water

If water should be turned on at the meter by any person other than the BWID Manager or a duly authorized person, BWID reserves the right to physically disconnect the service and it will not be reconnected until the labor and material costs of disconnecting and reconnecting the service, in addition to all charges and back payments that are due have been paid. All residents are responsible for installing a separate water turn off valve between the water meter and the point of use.

Section 18. Tampering with Water System (Tampering, Pollution, Obstruction)

It shall be unlawful for any person, not authorized by BWID, to tamper with, alter or damage any part of the BWID system including control system, pumping plants, machinery, distribution system, or any meter.

Section 19. Pollution of Water Supply

It shall be unlawful for any person to throw, place or deposit any article or substance in or near the BWID water supply system, whereby the water flow may be obstructed or otherwise polluted or rendered impure.

Section 20. BWID Manager/System Operator

The duties of the BWID Manager/System Operator are established in a separate job description as established by the Board of Directors. It shall be unlawful for any person to hinder, interfere or obstruct the BWID Manager/System Operator, or any authorized BWID representative in the performance of their duties.

Section 21. Penalty, Water Shut Off for Violations

If a Property Owner fails to comply with BWID's Rules and Regulations, their water service may be shut off. Depending on the severity of non-compliance, water service may be shut off immediately with written follow up to the Property Owner; or when possible, a written notice will be posted on the premises or sent by regular mail at least five (5) days in advance of shut off. Once water service has been shut off, it will not be restored until the Property Owner complies with BWID's Rules and Regulations. All charges due, including a water restoration fee (see Rate Schedule) must be paid prior

to restoration of water service.

Section 22. Classification

The BWID Board of Directors determines that the charges imposed by these Rules and Regulations are not considered taxes as subject to the property tax limitations of the Oregon Constitution.

Section 23. Back-flow Prevention

This section covers cross-connections to BWID's water delivery system, establishes standards and other provisions for back-flow prevention, and penalties for violation of standards.

a) Definitions:

- 1) "Administrative Authority" means the designated person, agency, or governing body authorized to administer and enforce the requirements of this document and/or specified Federal and State plumbing codes.
 - 2) "Approved Back-Flow Prevention Assembly/Device," means a device to counteract backpressure and/or prevent back siphonage. All Back-flow Prevention Assemblies / Devices shall meet Uniform Plumbing Code (UPC), United States Environmental Protection Agency (EPA), Oregon State Health Authority, and local plumbing codes as defined and administered by appropriate plumbing jurisdictions.
 - 3) "Auxiliary Supply" means any water source or system other than BWID that may be available to a particular building or premises.
 - 4) "Back-flow" means a flow in other than the intended direction of flow of any substance, foreign liquid, gas or otherwise, other than potable water provided by the BWID.
 - 5) "Cross-Connection" means any actual or potential connection or structural arrangement where the BWID service is connected directly or indirectly with any other water source or cistern, public or private, through which it is possible to introduce to the BWID system any other source of water, potable or otherwise, or an industrial fluid, gas, or substance other than the BWID potable water with which the system is supplied. This includes jumper connections, bypass arrangements, removable sections, swivel or change over devices, or any other temporary or permanent device through which, or because of, back-flow may occur.
- b) Application and Responsibilities: This regulation applies to all properties within BWID's boundaries with conditions identified in this section. Every Property Owner (including both owner and/or occupant) is responsible for compliance and shall be responsible for any damages incurred as a result of failure to comply.
- c) Back-flow Prevention Device Requirement: The Property Owner of property with the following situations shall be required to install an appropriate Back-flow Prevention device:
- 1) There is an auxiliary water supply which is or can be connected to the BWID water supply system.
 - 2) There is piping or equipment for conveying other than potable water and that piping or equipment is under pressure and installed and operated in a manner that could cause a Cross-Connection.
 - 3) There is intricate plumbing, which makes it impractical to ascertain whether or not Cross-Connections exist.
 - 4) The property has restricted entry so that inspections for Cross-Connections cannot be made with sufficient frequency or with sufficient short notice to assure that Cross-Connections do not exist.
 - 5) There is a fire line, irrigation service, or domestic service larger than two inches.
 - 6) The property has a repeated history of Cross-Connections being established or re-established.

- 7) There may be materials of a toxic or hazardous nature on the property from time to time which are handled so that if back siphonage should take place, a serious health hazard may result.
 - 8) Properties with the following or similar potential Cross-Connections must have a Back-flow Prevention Assembly installed include hot tubs, swamp coolers, dark rooms, swimming pools, solar systems, irrigation systems, mobile apparatus, or other uses specified by a certified cross-connection specialist representing BWID.
 - 9) Properties on which any substance is handled under pressure so as to permit entry into the BWID system, or where a Cross-Connection could be reasonably expected to occur, as specified by the BWID certified Cross-Connection specialist.
 - 10) Back-flow Prevention devices shall be required on domestic services two inches or smaller if the building is more than two stories or higher than 32 feet above the water main. One or two story buildings, which exceed 32 feet in height, may be exempted upon determination by the Cross-Connection specialist that no backflow hazard exists.
- d) Type of Back-flow Prevention Assembly / Device: The type of Back-flow Prevention Assembly / Device required shall be commensurate with the degree of hazard that exists and must meet the standards of the Uniform Plumbing Code (UPC), United States Environmental Protection Agency (EPA), Oregon State Health Authority, and local plumbing codes as defined and administered by appropriate plumbing jurisdictions. Before any device or assembly is installed for the prevention of back-flow, it must first be approved by the BWID Manager.
- e) Location and Installation of Backflow Device:
- 1) The BWID Manager, under authority of the Board of Directors, may specify the location and method of installation of a back-flow prevention Assembly / Device in accordance with requirements set forth by the UPC Ninth Edition, United States Environmental Protection Agency (EPA), Oregon State Health Authority, and local plumbing codes as defined and administered by appropriate plumbing jurisdictions.
 - 2) Any installation, correction, disconnection or other change to a Back-flow Prevention Assembly / Device shall be at the sole expense of the Property Owner.
 - 3) The cost of any change required in the BWID system outside the property concerned, or between the meter and the supply line or distribution system, shall be at the expense of the Property Owner of the concerned property and shall be paid in accordance with BWID practices and procedures. If not paid, payment for expenses shall be collected through legal process or any other appropriate manner approved by law.
- f) Back-flow Prevention Assemblies /Devices Installed Prior to 2005:
- 1) Water connections prior to 2005 shall be exempt until such time as required by Uniform Plumbing Code (UPC), United States Environmental Protection Agency (EPA), Oregon State Health Authority, and local plumbing codes as defined and administered by appropriate plumbing jurisdictions or the Board of Directors if:
 - A) The Assembly / Device is properly maintained; and
 - B) The type of device is commensurate with the degree of hazard, such determination to be made by the BWID District Manager; and
 - C) The device is tested annually; and
 - D) The device performance meets code specifications.
 - 2) If an exempted back-flow device does not meet the above specifications, BWID will notify the Property Owner the device must be replaced immediately and may have service interrupted if not done so in a timely manner.
- g) Testing Requirements:
- 1) All Back-flow Prevention Assembly /Devices required under this regulation shall be tested when it's installed in the water system, after a back-flow incident, after repair, when moved,

- and annually or within thirty (30) days after the anniversary date of the initial testing thereafter, unless more frequent testing is required.
- 2) All required tests must be performed by a Back-flow Prevention Assembly Tester certified by the State of Oregon or otherwise approved by the BWID District Manager acting under the authority of the Board of Directors.
 - 3) Written result of such tests shall be furnished to the BWID Manger no later than ten (10) days from the test date.
 - 4) If BWID has not received the results of such test within thirty (30) days of the anniversary date for annual testing, within ten (10) days of the date of installation of the device, or the date BWID discovered a device was installed without appropriate tests, BWID may order such test and bill the Property Owner for the cost. BWID may deny or discontinue water service until satisfactory proof is furnished that the device has been tested and is functioning properly.
 - 5) If the results of the test required by BWID indicate that repairs are necessary, such repairs must be undertaken and a new test taken, with results forwarded to BWID within ten days of date of test, indicating the defect was repaired.
 - 6) The BWID Board of Directors may require more frequent testing in order to assure a device is functioning properly in those installations that represent a serious health hazard as determined by BWID or the State Health Division.
- h) Enforcement: An Administrative Authority, including the BWID Manager/System Operator or a member of the Board of Directors, shall have the right to check the premises of Property Owners for Cross-Connections with other water supplies or to multiple users on one meter and the general condition of water lines and service facilities at any reasonable time, without being deemed guilty of trespass or an unlawful act. The Property Owner shall remove any prohibited connection immediately after provision of written notice by the District, and if not removed, BWID shall remove or discontinue any connection it may have for serving the property.
- i) Penalties: Violations of BWID's Back-flow Prevention Regulation, including a cross-connection which is prohibited, failure to provide and maintain an approved Back-flow Prevention Assembly / Device, or failure to adhere to the back-flow assembly testing schedule is subject to a fine not to exceed \$500.00.