# RULES AND REGULATIONS
# FOR
# WATER SERVICE

# LAKE CREEK
# METROPOLITAN DISTRICT

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# ARTICLE I: GENERAL

## 1.1 Purpose

The purpose of these consolidated Rules and Regulations is to ensure an orderly and uniform administration of water operations in Lake Creek Metropolitan District of Eagle County, Colorado. These administrative responsibilities are performed by a single organization of management, administrative and operations personnel who implement the policy and guidance of the District.

## 1.2 Authority

The District is a governmental subdivision of the State of Colorado and a corporate body with the powers of a quasi-municipal corporation. These powers are specifically granted for carrying out the objectives and purposes of the District as stated in the respective by-laws.

For the purposes of these Rules and Regulations, the term "District" means Lake Creek Metropolitan District.

## 1.3 Policy

The Board of Directors of the District hereby declares that the Rules and Regulations hereinafter set forth will serve a public use and are necessary to promote the health, safety, prosperity, security, and general welfare of the inhabitants of the District.

All Customers of the District are bound by these Rules and Regulations as a matter of contract for which there is good and valuable consideration.

## 1.4 Scope

These Rules and Regulations shall be effective once approved by the District's Board of Directors, are the comprehensive regulations which govern the operations and functions of the District, and supersede all prior publications of the Rules and Regulations of the District.

## 1.5 Intent of Rules And Regulations

These Rules and Regulations shall be liberally construed to effect the general purpose set forth herein, and each and every part is separate and distinct from all other parts. No omission or additional material in these Rules and Regulations shall be construed as an alteration; waiver; deviation; limitation, or restriction from any grant of power, duty, or responsibility imposed or conferred upon the Board of Directors by virtue of statutes now existing. Nothing contained herein shall be construed as prejudice or affect the right of the District to secure the full benefit and protection of any law which is now enacted or may subsequently be enacted by the Colorado General Assembly pertaining to the governmental or proprietary affairs of the District.

## 1.6 Amendment

The District through the Board of Directors shall have all the powers allowed under law, including those enumerated in C.R.S. §§ 32-1-1001(1), 32-1-1004(2)(j) and (3), and 32-1-1006 as now constituted or hereafter amended, including the power to amend these Rules and Regulations, with respect to the District, to reflect those changes determined to be necessary by the Board of Directors of the District. Except as otherwise required by applicable law, no special notice shall be required solely by reason of an amendment to these Rules and Regulations. Any action fixing or increasing fees, rates, tolls, penalties, or charges for domestic water service shall comply with the notice and public-meeting requirements of C.R.S. § 32-1-1001(2), as amended.

## 1.7 Waiver, Suspension, or Modification of Rules

The Board of Directors shall have the sole authority to amend these Rules and Regulations. The Board of Directors, Water System Manager or the Regulations Administrator acting on instructions of the Board, shall have the sole authority to waive, suspend, or modify these Rules and Regulations in a specific instance. Any such waiver, suspension, or modification must be in writing authorizing the specific action. Such waiver, suspension or modification is an exception to the Rules and Regulations for the specific instance and shall not be construed as continuing for future instances. Waivers, suspensions, or modifications are not deemed an amendment of the Rules and Regulations and shall not establish District-wide restrictions or other requirements of general applicability.

## 1.8 Inclusion in Contract

These Rules and Regulations are automatically incorporated into every contract, written or oral, for service with the District whether expressly referenced or not, to the extent they are not inconsistent with the contract for service.

## 1.9 Rights and Authority

The District reserves the right to temporarily discontinue service to any property, at any time, for any reason deemed necessary or appropriate. The District shall have the right to revoke service to any property for violations of these Rules and Regulations in accordance with the procedures set forth in these Rules and Regulations.

## 1.10 Authority to Inspect

Authorized representatives of the District, upon presentation of a work order and identification, shall be permitted to enter upon all properties at all reasonable times for the purpose of inspection, observation, measurement, sampling, testing, and inspection of records of the water system, in accordance with the provisions of these Rules and Regulations. Failure to permit such inspections, observations, measurements, samplings, testing, and/or inspection of records upon the request, in writing, of the Water System Manager may result in a finding that permission is being denied to avoid discovery of a violation. Such finding may result in the disconnection of service to the property occupied by the party failing to

permit the desired access, subject to the hearing and appeal procedures set forth in Article IX, Hearing and Appeal Procedures.

### 1.11 Violators Fined

Except as otherwise specifically provided in these Rules and Regulations, including Section 4.6.7 for violations of water use restrictions, any person violating any of the provisions of these Rules and Regulations shall become liable to the District for payment of a penalty of up to $1,000 plus $500 per SFE, as determined by the District.

In addition to any penalty, a person responsible for a violation shall be liable to the District, to the extent authorized by applicable law, for any expense, loss, or damage, repair cost, investigation or consultant cost, reasonable attorney fee, or other cost incurred by the District as a result of the violation or in enforcing these Rules and Regulations.

Any unpaid fee, rate, toll, penalty, or charge imposed by the District shall constitute a perpetual lien on and against the property served to the extent provided by C.R.S. § 32-1-1001(1)(j)(I), as amended. Any damages, expenses, attorney fees, or other amounts not included within the statutory lien created by C.R.S. § 32-1-1001(1)(j)(I) may be recovered by the District through any remedy otherwise available under these Rules and Regulations or applicable law and shall constitute a lien only to the extent authorized by applicable law.

# ARTICLE II: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used herein shall be as follows:

2.1 **Accommodation Unit**

"Accommodation Unit" is one or more habitable rooms intended primarily for sleeping purposes and without cooking facilities. Examples of an accommodation unit are a hotel room, hotel suite, hostel room, bed and breakfast room, or a lock-off without cooking facilities.

2.2 **Applicant**

"Applicant" is any person who applies to the District for a service connection, service disconnection, main line extension, or other such service agreement, or who attempts to have real property included within, or excluded from the District, as the case may be.

2.3 **Backflow**

A flow condition induced by a differential in pressure which causes the flow of water into the distribution pipes of a potable water supply from any source other than the intended source.

2.4 **Backflow Prevention Assembly; Backflow Prevention Method; Backflow Protection**

"Backflow Prevention Assembly" means a mechanical assembly installed at a water service line or plumbing fixture to prevent a backflow contamination event, which is appropriate for the identified contaminant or hazard at the cross-connection and is an in-line, field-testable assembly meeting applicable Colorado requirements.

"Backflow Prevention Method" means a method or non-testable device installed at a water service line or plumbing fixture to prevent a backflow contamination event, which is appropriate for the identified contaminant or hazard at the cross-connection and meets applicable Colorado requirements. A Backflow Prevention Method may include an approved air gap or other non-testable means of backflow protection.

"Backflow Protection" means, collectively, Backflow Prevention Assemblies and Backflow Prevention Methods.

Where these Rules and Regulations specifically require a Backflow Prevention Assembly or a particular type of Backflow Prevention Assembly, a Backflow Prevention Method or different type of assembly shall not satisfy that requirement except where an alternative is expressly authorized by these Rules and Regulations or approved pursuant to the District's authority to grant a written waiver, variance, or other exception.

## 2.5 Board

"Board" and "Board of Directors" are the elected or appointed Board of Directors of the District who have responsibility for policy and management oversight of the water system.

## 2.6 Commercial and/or Industrial Unit

"Commercial and/or Industrial Unit" is any structure or facility that is used to engage in a business, commerce, manufacturing, marketing, and/or sale of products and services of any kind.

## 2.7 Common Space

"Common Space," as it applies to multi-unit facilities, includes areas which have insignificant water consumption and are accessible and available to all residents and guests of the accommodation units or dwelling units; including but not limited to: hallways, lobbies, atriums, stairways, dining areas, lounge areas, and recreation rooms. Areas which would be otherwise common space except they contain an ongoing use of water shall not be classified as common space for the purpose of these Rules and Regulations, e.g., lobby containing a bar, recreation room with a bar, etc. These excepted common areas shall be accommodated by an adjustment to the total SFE of the facility.

## 2.8 Contractor

"Contractor" is any person, firm, or corporation licensed or permitted to perform work and to furnish materials within the District, but may not perform construction, repair, and replacement of District water lines, or perform locates of District Water Lines.

## 2.9 Cooking Facility

A "cooking facility" is an arrangement within a dwelling unit which provides, but is not limited to, the follow features: refrigeration capability: hot plate, electrical frying pan, toaster oven, crock pot, counter top burners, stove or microwave; and facilities for washing and cleaning.

## 2.10 Connection

A water connection is defined as a pipe that allows a continuous flow out of a District main, into a structure, and through the meter assembly.

Connection for a water service line has not occurred if an "air gap" exists within the service line between the District's main and the structure or between the meter assembly, and the internal plumbing of the structure.

## 2.11 Crawl Space

"Crawl Space" is any area contained and covered by a structure that has a dirt or gravel floor and is not intended for continuous habitation.

2.12 **Customer**

"Customer" is any person or entity authorized to connect to and use the District's water systems, receive District water service, or divert or use water under water rights owned or administered by the District. The term "Customer" includes, as applicable, property owners, renters, contractors, subcontractors, developers, and other authorized users.

2.13 **District**

"District" is the Lake Creek Metropolitan District;

2.14 **District Contractor**

"District Contractor" is a Contractor, as defined above, that has been authorized by the District to perform construction, repair, and replacement of District water lines, to perform locates of District water lines, and who shall be a subscribed member of the Colorado Utility Locator 811 Service.

2.15 **District Engineer**

"District Engineer" is the person or firm that has been authorized by the District to perform engineering services for the District.

2.16 **Dwelling Unit**

"Dwelling Unit" is one or more contiguous, habitable rooms designed, arranged, occupied, or intended to be occupied by one or more individuals living together as a household or one family. A dwelling unit has facilities for living, cooking, sleeping or bathing and is generally configured to provide an independent access. If areas within a building or house are designed or arranged with the capability for occupancy which is independent of the rest of the household, that area is classified as a separate dwelling unit. Other features which also may indicate a dwelling unit are private telephone line, separate cable TV, lease contract, and unrelated third party occupancy. Examples of a dwelling unit are: single family homes, condominiums, townhouses, duplexes, multiplexes, apartments, efficiencies, studio units, lock-offs, mobile homes, etc.

2.17 **Efficiency or Studio Unit**

"Efficiency" or "Studio Unit" is a Residential Unit having one room with integral cooking facilities and one bathroom.

2.18 **Equivalent Residential Unit**

"Equivalent Residential Unit" or "Single Family Equivalent" (SFE) is a generic Residential Unit, the use of which is estimated to have an impact upon the water systems equal to that of the average single family (2.3 persons).

2.19 **Inspector**

"Inspector" is a person or persons who, under the direction of the Water System Manager, shall inspect all water connections, main lines and appurtenances, service line joints and bedding, installations of and repairs to meters, and construction of and repairs to the water system and facilities of the District to ensure compliance with the Rules and Regulations and construction standards.

2.20 **Irrigation System**

"Irrigation System" means any ditch, lateral, headgate, pump, pipeline, sprinkler, drip irrigation system, or other facility or device used to divert, convey, distribute, or apply water for irrigation purposes, whether supplied by the District's potable water system, District-owned water rights, or an independent water source.

2.21 **Outdoor Wildfire Suppression System**

"Outdoor Wildfire Suppression System" means any Customer-owned, Customer-controlled, or Customer-serving system designed, installed, represented, configured, or operated for wildfire defense, mitigation, or suppression. Such systems include exterior, roof, or structure-wetting sprinklers; dedicated pumps, piping, nozzles, monitors, hoses, or hydrant-style outlets; foam or retardant application equipment; and associated dedicated storage facilities, including tanks, cisterns, or ponds.

2.22 **Permit**

"Permit" is the written permission to connect to or to enlarge the connection to the water system of the District pursuant to the Rules and Regulations. Permits are granted by the Water System Manager or authorized District personnel.

2.23 **Kitchen Facility**

A "Kitchen Facility" is a cooking area that includes a cook top having more than two burners and a conventional oven or range.

2.24 **Permission to Connect**

Permission to Connect is the written permission to connect to or to enlarge the connection to the water systems of the District pursuant to the Rules and Regulations. Permission may be granted by the Water System Manager, Regulations Administrator or authorized District representative.

2.25 **Private Main**

"Private Main" is any water distribution line or main line that is connected to the District system but not owned or maintained by the District; Private Mains have not been accepted by the District. Generally, lines are designated as private if they do not conform to the specifications as enumerated in the Rules and Regulations or construction standards. Lines

may be considered private if it is not in the best interest of the District to accept the mains because of special and/or mitigating circumstances; or if the title of the mains cannot be transferred free and clear to the District.

2.26 **Regulations Administrator**

"Regulations Administrator" as used in these Rules and Regulations is the individual who, under the direction of the Water System Manager, is responsible to administer and ensure compliance of these regulations.

2.27 **Residential Floor Area**

"Residential Floor Area" is defined as the gross square-foot measurement of a Residential Unit measured to include the outside walls, unfinished areas, mechanical rooms, and attics and basements over five (5) feet high, but excluding garages that are not finished and furnished for human occupancy.

2.28 **Residential Unit**

"Residential Unit" is one or more contiguous, habitable rooms designed, arranged, occupied, or intended to be occupied by one or more individuals living together as a household or one family. A Residential Unit has facilities for living, cooking, sleeping, or bathing, and is generally configured to provide an independent access. If areas within a building or house are designed or arranged with the capability for occupancy, which is independent of the rest of the household, that area is classified as a separate Residential Unit. Other features that also may indicate Residential Unit include private telephone line, separate cable TV, lease contract, and unrelated third-party occupancy. Examples of a Residential Unit are: single family homes, condominiums, townhouses, duplexes, multiplexes, apartments, efficiencies, studio units, lock-offs, mobile homes, etc.

2.29 **Rules and Regulations**

"Rules and Regulations" are the formal rules and regulations of the District which state the policy and procedures by which the water systems are operated. Rules and Regulations also include all amendments and policies as set forth in the District minutes and resolutions.

2.30 **Service Line**

"Service Line" is any pipe, line, or conduit used or to be used to provide water service from a water main or stub out to a building; whether the pipe, line, or conduit is connected or not. A water service line is owned and maintained by the District from the tap on the District water main to the property line, edge of easement, or curb stop valve, whichever is closer to the water main. A water service line tapped onto a private main shall remain property of the Customer. The water service line from the curbstop valve into the building is owned and maintained by the Customer. Water lines constructed by the Customer shall be in accordance with these Rules and Regulations.

2.31 **Shall or May**

Whenever "shall" is used herein, it shall be construed as a mandatory direction.

Whenever "may" is used herein, it shall be construed as a permissible, but not mandatory direction.

2.32 **Stub Out**

"Stub out" is a connection device or line which is connected to the water main line and which is intended to facilitate the connection of a service line to the water system, either directly to the main line or indirectly through a private main. A stub out extends only from the main to the property line.

2.33 **Tap**

"Tap" is the connection of the privately owned service line to the water system, either directly to a stub out or at the curb stop valve or the main line, or indirectly through a private main line.

2.34 **Tap Fee**

"Tap Fee" is the payment to the District of a fee for the privilege of connecting to the water system. The amount of tap fees is based on the particular use of the facility being connected. See Appendix A, Schedule of Fees and Charges.

2.35 **Variance**

A "variance" is the written authorization from the District or District staff to act in a manner not in strict compliance with District Rules and Regulations, specifications, or policies. A variance may be granted at the sole discretion of the District on the basis of undue hardship, or otherwise, not self-imposed.

2.36 **Water Main**

"Water Main" is any distribution line or transmission line used as a conduit for water in the District's water system and is owned and maintained by the District. A water main shall be sized in accordance with Appendix C, Standard Specifications for Water Line Construction, unless otherwise approved by the Board of Directors.

2.37 **Water Meter**

"Water Meter" is defined as all components between the amended or flanged ends of the meter body. Gaskets and fittings are not considered part of a water meter.

2.38 **Water System**

"Water System" is any network of water main lines, water treatment facilities, appurtenances,

accessories, or portion thereof owned and maintained by the District.

2.39 **Water System Manager**

"Water System Manager" as used in these Rules and Regulations is the person or entity retained by the Board of Directors to administer and supervise the water affairs of the District.

2.40 **Any Other Term**

Any other term not herein defined shall be as defined by the American Water Works Association (AWWA) and Wastewater Pollution Control Federation (WPCF). The use of singular may also refer to plural. The use of the masculine gender includes the feminine or neuter gender.

# ARTICLE III: LIABILITY AND OWNERSHIP

## 3.1 Liability of District

The District shall not be liable or responsible for inadequate treatment or interruption of service brought about by circumstances beyond its control.

Nothing in this Article is intended to expand or limit the immunities, defenses, limitations on liability, or statutory waivers of immunity applicable to the District under the Colorado Governmental Immunity Act or other applicable law.

## 3.2 Condition Not Actionable

No claim for damage shall be allowed against the District by reason of the following conditions: blockage in the system causing the backup of effluent; damage caused by smoking of lines to determine connections to District lines; breakage of main lines; interruption of water service and the conditions resulting therefrom; damage from the breaking of any service or collection line, pipe, cock, or meter; failure of the water supply; shutting off or turning on water; installation of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service lines or breakage of other facilities not owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or from turning it on, or from inadequate, excessive, or sporadic pressures; or from doing anything to the systems of the District deemed necessary by the Board of Directors or its agents.

## 3.3 Responsibility for Notification

Except as otherwise required by applicable law or these Rules and Regulations, the District does not undertake a duty to provide individualized advance notice to Customers of unplanned interruptions of water service, fluctuations in pressure, failures of supply, or other conditions described in Section 3.2.

Nothing in this Section limits any public-notification, emergency-notification, or other notice obligation imposed upon the District by applicable law or these Rules and Regulations.

When practicable, the District may provide notice of planned or significant interruptions or other conditions affecting service. The provision of such discretionary notice in any particular instance shall not create a continuing duty to provide notice in other circumstances beyond any duty otherwise imposed by applicable law.

## 3.4 Ownership of Facilities

All existing main lines and treatment works connected with and forming an integral part of the water system are the property of the District, unless a contract with a Customer provides otherwise. Ownership will remain valid whether the main lines and treatment works were constructed, financed, paid for, or otherwise acquired, by the District or by private parties.

Transfer of ownership of main lines shall be in accordance with Section 6.3, Main Line Project Procedures for Developers. The developer is responsible for correction of construction deficiencies within the two-year warranty period. Exceptions to District ownership are private mains which specifically are not accepted by the District due to non-conformance to these Rules and Regulations, the Standard Specifications for Water Line Construction, and other approved standards of construction. Private mains are designated when ownership title cannot be provided free and clear.

### 3.4.1 Ownership of Water Facilities

For water, the District owns and is responsible for the maintenance of the water service line up to and including the curb stop valve or the Customer's property line or edge of easement, whichever is closer to the water main. The Customer is responsible for the maintenance of the remaining portion of the service line serving his property. This principle of ownership shall not be changed by the fact that the District may construct, finance, pay for, repair, maintain, or otherwise affect the Customer's service line.

### 3.4.2 Ownership of Water Meter

Each water meter shall become and is the property of the District. Ownership shall remain valid whether the meter is installed, financed, paid for, repaired, or maintained by another person or whether the meter is located on a privately owned and maintained service line. The meter is defined as the meter body and components contained therein. Gaskets and fittings are not considered part of the meter.

### 3.4.3 Existence of Easements

An easement, whether recorded or not, and whether the main line is actually within a recorded easement, is deemed to exist if a Customer is receiving and accepting service from a service line connected to a main line. The District shall have access over said easement to effect repairs, maintenance and replacement.

## 3.5 Conditions of Ownership

The Customer's ownership of the service line shall not entitle the Customer to make unauthorized uses of the District's systems or to make alterations to the service line and the system once the service line has been connected to a District main line. All uses or changes in use of the service line, any appurtenances thereto, or changes in use of the property served at any time after the initial connection to the District system shall be subject to these Rules and Regulations.

# ARTICLE IV: OPERATION AND MAINTENANCE OF WATER SYSTEMS

## 4.1 Responsibilities of District

Except as otherwise provided by these Rules and Regulations, the District is responsible for the operation and maintenance of the water systems in accordance with these Rules and Regulations.

## 4.2 Design of Systems

Water systems must have adequate gravity fed finished water storage.

## 4.3 Use Of Systems

Taps and service connections are approved for specific uses as stated on the water tap application. If any use of the property is changed from the use contemplated at the time of issuance of the tap permit, a new tap permit shall be applied for, and water will not be furnished for such new uses until such application is approved. The Regulations Administrator may request an inspection in accordance with Section 1.10, Authority to Inspect, to identify any unauthorized use for which the Customer is subject to a fine in accordance with Section 1.11, Violators Fined.

Connections to the District's potable water distribution system used to fill or refill dedicated storage serving an Outdoor Wildfire Suppression System are additionally governed by Section 5.3.2, Outdoor Wildfire Suppression System. District approval of the installation or configuration of such a fill connection is separate from District authorization to conduct any particular fill or refill. Authorization of a particular fill or refill under Section 5.3.2 does not enlarge the Customer's tap rights, reserve system capacity for the Customer, obligate the District to approve any future fill or refill, or authorize any other change in equipment, service, or use. Nothing in this paragraph limits the application of otherwise applicable permit, tap fee, or service charge requirements under these Rules and Regulations.

### 4.3.1 Notice of Changes

The Customer shall notify the District prior to any expansion or addition to the service or any change in the use of the property served by the District and upon any change of ownership of said property. Any such change in use which, in the opinion of the District, will increase the burden placed on the District's system by the Customer shall require a redetermination of the tap fee and monthly service charge, and a payment by the Customer of any additional tap fee and monthly service charge resulting from the redetermination. When an expansion or change in use occurs that results in additional fees due, a credit for the existing use shall be given. Tap fees based on the current rate for the specific use as stated in the original permit shall be credited against the redetermined tap fee so that only the unpaid portion of any redetermined tap fee shall be due. However, if the redetermination results in a conclusion that the tap fee, if assessed currently, would be in an amount less than the tap fee originally paid, the

redetermined fee shall not result in a refund to the Customer. For example, if a structure changes from two units to three units without expanding the square footage of the structure, the additional tap fees shall be calculated giving full credit to the two units and the square footage for which tap fees were previously paid or payable.

### 4.3.2 Inspection Required

Any Customer believed to have changed equipment, service, or use of his property, in violation of this section, shall be notified of such belief by the District, and shall be afforded twenty (20) days from the date upon which the notice is mailed in which to respond to the District's notice. Any response by the Customer must include permission to make an inspection of the property as the District may deem necessary to establish clearly the nature of equipment, service and use of the property. Failure to respond may result in the District discontinuing service to the property.

### 4.3.3 Unauthorized Connection and Fees

No person shall be allowed to connect onto the water systems or to enlarge or otherwise change equipment, service, or use of property without prior payment of tap fees, approval of a permit for service, and adequate supervision and inspection of the tap by District personnel. Any such connection, enlargement, or change without payment, approval, supervision, and inspection shall be deemed an unauthorized connection.

Any violation of this section shall result in the assessment of an unauthorized connection fee. The District shall take those steps authorized by these Rules and Regulations and Colorado law regarding the collection of said fees.

Upon discovery of any unauthorized connection, the then-current tap fee and accrued service charges, if any, shall become immediately due and payable. In addition, the property shall be assessed an unauthorized connection penalty equal to the then-current tap fee per equivalent dwelling unit. Recovery of actual physical repair or restoration damages remain available to the extent those damages are separate and non duplicative. The District shall send written notice to the Customer benefited by such connection stating that an unauthorized connection has been made between the Customer’s property and the District facilities. The Customer shall have twenty (20) days from the date the notice is mailed to pay the then-current tap fee and accrued service charges, if any. If not paid within this period, the District shall proceed in accordance with the provisions of Section 4.3.5, Revocation of Service.

### 4.3.4 Redetermination of Tap Fees

Following inspection, the District shall make a determination as to the change in the Customer's equipment, service or use of the property in question, and shall redetermine any additional tap fees and service charges due. In the redetermination of tap fees assessed, the District shall consider all information relevant to the subject water rights including the lawful historical use, priority, source, type and/or legal status of any water right. The District may also consider whether redetermination and

acceptance will best serve the health, safety, welfare, and/or financial status of the District and its inhabitants. In the event the decision of the District is deemed unsatisfactory to the Customer, the Customer may present a complaint in accordance with Article IX, Hearing and Appeal Procedures, of these Rules and Regulations.

#### 4.3.5 Revocation of Service

Service shall be revocable by the District upon non-payment of any valid fees or charges owed to the District. In the event of non-payment, the Customer shall be given not less than twenty (20) days advance notice in writing of the revocation. The notice shall set forth:

1. The reason for the revocation;

2. That the Customer has the right to contact the District, and the manner in which the District may be contacted for the purpose of resolving the obligations; and

3. That there exists an opportunity for a hearing in accordance with Article IX, Hearing and Appeal Procedures, of these Rules and Regulations.

In addition to revocation for nonpayment, the District may suspend or revoke a Customer's authorization to divert or use raw water under District-owned water rights for failure to comply with Section 4.5.12, applicable water court decrees, or conditions imposed by the District in administering its water rights. Suspension or revocation of raw-water authorization shall not, by itself, constitute revocation of the Customer's potable water service.

#### 4.3.6 Suspended Service

When a building is moved or destroyed and the water services are suspended, the original tap authorization shall remain, provided that a written request is made to, and approved by the Regulations Administrator prior to cessation of payment of service charges.

When a service line is abandoned permanently, the Customer shall valve the water supply off at the main line (corporation stop valve). If the Customer is not responsive within a reasonable time period as determined by the Regulations Administrator, the District will valve the water supply. The cost shall be charged to the Customer and a lien filed on the property. Variances to this requirement will be considered on a case-by-case basis.

### 4.4 Tampering with Systems

#### 4.4.1 Unauthorized Use

No person shall uncover, alter, disturb, make any connection with, make an opening into, or backfill prior to inspection the water system without a written authorization

from the District. Unauthorized uses of or tampering with the District's systems include, but are not limited to, change in Customer's equipment, service or use of property, as defined in Section 4.3, Use of Systems; an unauthorized turn-on or turn-off of water service or a water main; burying valve boxes; and modifying any water meter even though the same may be performed on a privately owned and maintained service line.

#### 4.4.2 Malicious Damage to System

No person shall maliciously, willfully, or negligently, break, damage, destroy, cover, uncover, deface, or tamper with any portion of the District's system.

#### 4.4.3 Violators Prosecuted

Any person who shall violate the provisions of this Section 4.4, Tampering with Systems, shall be assessed a $1,000.00 fine for each violation, and shall be prosecuted to the full extent of Colorado law for tampering or malicious damage to District property.

### 4.5 Use of Water System

#### 4.5.1 Customer Responsibility

Each Customer shall be responsible for all costs associated with the maintenance of the service line from the building to the curb stop, edge of easement, or property line, whichever is closer to the main.

#### 4.5.2 Turn-On/Turn-Off of Service

All routine turn-on and turn-off of water service at a curbstop shall be performed only by the District Contractor or other District personnel. During emergencies, a Customer may turn-off the water service at the curb stop valve. The District shall be notified of the turn-off and the circumstances at the earliest time. Only the District Contractor or other District personnel shall turn on the water service.

When initial service is provided and when the turn-off/turn-on service is performed for a Customer requiring maintenance to his service line, a service fee will not be charged. In other circumstances the District shall assess a single turn-off/turn-on charge in the amount of $50 for each turn-off and turn-on performed. In each case where turn-off of water service is caused by non-payment or late payment of service charges and fees, the turn-on service fee will be $100. The service fee will be increased in increments of $25 per instance of turn-on over a consecutive 12-month period. Payment of all charges and fees are required in full prior to turn-on of the water service. All other requests for a turn-off or turn-on of water service may be granted or denied by the District at the District’s sole discretion.

The District will provide turn-on service for a tap for new construction only one time prior to the occupancy of the building served. At the time the water meter is set,

service charges begin unless the District is requested to perform the turn-off. In this event the Customer will be charged $50 when service is turned on.

If a Customer requests to have water service to their home turned off for a period of time, all water base fees will continue to be assessed on a monthly basis to the Customer.

### 4.5.3 Water Meters

All water supplied from the District's potable water distribution system to any Customer-owned building, Irrigation System as defined in Section 2.20, Outdoor Wildfire Suppression System defined in Section 2.21, water storage facility, or other water-using system or installation shall pass through a District-approved water meter. No Customer shall install, maintain, or use any direct or indirect connection, bypass, or other arrangement that permits District potable water to be delivered or used without passing through an approved meter. Separate metering of individual systems or uses receiving District potable water shall be required where specifically provided by these Rules and Regulations or otherwise required by the District.

All water meters shall have devices for remote reading as well as a Meter Transceiver Unit (MXU) for automated radiometer reading. The type of water meter and location of the meter shall be subject to the approval of the District and accessible for maintenance (see Appendix B, Water Service Line Construction Specifications). The District shall have the right to test, remove, repair, or replace any and all water meters. Any meter not installed in accordance with District specifications shall be immediately replaced upon notification by the District and the Customer may be subject to a fine for illegal tampering of the water system.

Each Customer is responsible for notifying the District if his water meter is operating defectively. If any meter is suspected to be defective, the District shall diligently pursue inspection of the broken water meter. If a meter replacement is needed, the meter shall be obtained from the District and the Customer shall be responsible for repair or replacement of the meter and reimbursing the District for the meter cost.

During the interim period prior to repair, the following procedure shall be enforced. The Customer shall be given notice, by first-class mail, that the District suspects that the water meter is defective. The Customer shall be given thirty (30) days in which to respond and schedule with the District an appointment for a meter inspection and replacement. If the Customer fails to respond, the Customer will be placed on the broken water meter rate of $200.00 per single-family equivalent per month, effective with the following billing cycle.

The Customer shall be given a second notice, by first-class mail, that the District suspects that the water meter is defective. The Customer shall be given thirty (30) days in which to respond to the second notice, which includes scheduling an appointment for a meter inspection and replacement. If the Customer fails to respond to the second notice, the District may disconnect the water service and charge the Customer the broken meter water rate of $200.00 per single family equivalent while

the service is disconnected. Service will be restored only upon payment of the turn off and turn on fees.

Nothing in this Section shall be construed to prohibit, limit, or otherwise regulate a Customer's lawful appropriation, diversion, storage, or use of water obtained independently from a non-District source, solely by reason of the Customer receiving District water service. The metering requirements of this Section apply only to water supplied from the District's potable water distribution system. The measurement and accounting requirements applicable to raw-water diversions under District-owned water rights are governed by Section 4.5.12. Where a Customer-owned system uses both District water and water from an independent source, all District-supplied water shall be measured through a District-approved meter before entering the Customer-owned system or being combined with water from another source. Any such arrangement shall comply with applicable cross-connection control and backflow prevention requirements.

### 4.5.4 Meter Repair

The provisions of Section 4.5.3 notwithstanding, all meters will be repaired at the Customer's expense. The Customer shall be charged the District's costs incurred.

### 4.5.5 Pressure Reducing Valve

A pressure-reducing valve (PRV) shall be installed in all service lines before the water meter, ensuring that the water meter and the building plumbing system, including any indoor fire sprinkler system governed by Section 5.3.1, are protected from fluctuating water main pressures. The pressure setting of the PRV shall not exceed 100 psi without written permission from the District.

### 4.5.6 Repair of Service Line

Leaks, breaks and general maintenance of the water service line shall be the responsibility of the Customer. To the extent the District is aware, the District shall give the Customer notice by email, telephone, or first-class mail, that the water service line is defective and in need of repair. Customer shall institute repair or maintenance immediately upon learning of a defect or repair. If satisfactory progress toward repairing the service line has not been completed in a timely manner or the District determines that environmental or property damage is being caused, the District shall shut off the water service until the service line has been repaired. In addition, the District shall have the right to effect the repair, and the costs therefore shall constitute a lien on the property as provided for by C.R.S. § 32-1-1001.

### 4.5.7 Cross Connection Control

Each Customer shall comply with Article VII, Cross-Connection Control, the District's backflow prevention and cross-connection control program, and all applicable requirements of the Colorado Primary Drinking Water Regulations, including 5 CCR 1002-11, Section 11.39, as now constituted or hereafter amended.

### 4.5.8 Safety Devices

Each Customer having boilers and/or other appliances which depend on pressure or water in pipes, or on a continual supply of water, shall provide, at his own expense, suitable safety device to protect himself and his property against a stoppage of water supply or loss of pressure. The District expressly disclaims any liability or responsibility for any damage resulting from a Customer's failure to provide such appropriate protection.

### 4.5.9 Fire Hydrants

It is unlawful for any person to operate District valves or fire hydrants without prior written authorization by the District. Law enforcement officers, personnel of the District, or personnel of a fire department are authorized to confiscate any hydrant wrench or valve shut-off key found to be used without written District authorization. Any violation shall be considered "Unauthorized Use" and will be subject to all fines and fees therein.

### 4.5.10 Clearances Around Hydrants

No landscaping, retaining walls, or buildings may obstruct the access to fire hydrants. Minimum clearances must be maintained around fire hydrants to facilitate their use. Customers are responsible to maintain a seven-foot (7') clearance on either side (where 2½" connectors are located), four-foot (4') clearance (including landscaping, retaining walls) on back, ten-foot (10') clearance in front (where steamer connection is located), and twenty-five-foot (25') clearance above all fire hydrants. The breakaway collar must be six inches (6") above the finished grade.

### 4.5.11 Fire Hydrant Meter

Fire hydrant meters are allowed to be used by special permit and are allowed to be used between April 15 and October 15, provided freezing at night is not occurring. Only District personnel are allowed to install and remove fire hydrant meters unless a written variance is issued. The Customer will be subject to a penalty if he attempts to install or remove a fire hydrant meter. The Customer is responsible for any damage to fire hydrants or fire hydrant meters, including vandalism or freezing.

A deposit in an amount determined by the District is required which if fully refundable, provided the meter is returned in good condition. A schedule of the fire hydrant meter deposits is available from the District. A $50.00 installation and removal charge, payable in advance, is required (non-refundable). The minimum billing shall be $46.55 per month, plus $6.00 per 1,000 gallons.

Fire hydrant water shall not be used for drinking purposes at anytime. If the water is to be used for lawn irrigation, the Customer shall provide a backflow device. A relocation fee of $25.00 to move the fire hydrant meter from one fire hydrant to another is required. Only District personnel are allowed to move fire hydrant meters. Contractors will be subject to a penalty if they attempt to move or alter a fire hydrant

meter.

Short term use of fire hydrant meters is allowed without a deposit. The cost to the Customer is $30.00 per hour, plus $6.00 per 1,000 gallons. District personnel will be present the full time the fire hydrant meter is out in the field under the short term use.

Fire hydrant meters shall not be used to fill or refill any dedicated storage serving an Outdoor Wildfire Suppression System (Section 5.3.2.), and shall not be used to supply water to any Outdoor Wildfire Suppression System directly or indirectly.

### 4.5.12 Raw Water Use Under District Water Rights

1. **Applicability**. This Section applies to any Customer who diverts, receives, or uses raw water for irrigation under any water right owned or administered by the District, whether through a ditch, headgate, lateral, pump, pipeline, or other diversion or delivery facility. This Section does not apply to a Customer's use of water under independently owned water rights unless such use involves District water rights, facilities, or water supplies.

2. **Authorization and Compliance**. No Customer shall divert or use raw water under the District's water rights without authorization from the District. All such diversions and uses shall comply with the District's applicable water court decrees, including but not limited to Case Nos. W-3587, 98CW115, and 01CW277, all applicable administrative requirements. The District may establish reasonable conditions and limitations on such uses, including the authorized points of diversion, places and purposes of use, irrigated acreage, quantities diverted, and periods of diversion, as necessary to comply with its decrees and administer its water rights. Authorization to use District water rights does not entitle a Customer to divert water unavailable under the applicable priority or otherwise restricted by law or decree.

3. **Measurement Devices**. Each Customer diverting or using raw water under the District's water rights shall, at the Customer's expense, install, operate, maintain, repair, and replace such measuring devices and associated structures as the District reasonably requires to measure and account for the Customer's diversions and uses. Such devices may include headgate measuring structures, weirs, flumes, flow meters, totalizing meters, or other devices approved by the District. The type, capacity, location, and installation of each device shall be subject to District approval and any applicable requirements of the State Engineer or Division Engineer for Water Division No. 5. Each Customer shall maintain all required devices in proper working condition and shall not divert or use raw water under District water rights without the required measurement devices in place and operating, except as expressly authorized in writing by the District consistent with applicable decree requirements.

4. **Reporting and Accounting**. The District or its authorized representatives shall be responsible for reading all required raw water measuring devices,

maintaining records of diversions and uses under the District's water rights, and preparing and submitting all reports required by the applicable water court decrees or water administration requirements. Each Customer shall provide the District reasonable access to all measuring devices for these purposes and, upon request, shall furnish such supplemental information as the District reasonably requires to administer its water rights and comply with the applicable water court decrees, including information concerning irrigated acreage, places and types of use, and periods of irrigation. The District shall determine the frequency of meter readings and maintain such records as necessary to calculate consumptive use, depletions, and augmentation or replacement obligations, as applicable, to satisfy applicable reporting deadlines and requirements.

5. **Inspection and Access**. The District and its authorized representatives may access and read all required raw water measuring devices at reasonable times without prior notice to the Customer. The District and its authorized representatives may also inspect, test, and verify measuring devices, diversion structures, and related records at reasonable times and upon reasonable notice, except when immediate access is necessary to address an apparent violation or water administration requirement. Each Customer shall provide reasonable access for these purposes and shall promptly correct any deficiencies identified by the District.

6. **Unauthorized Use and Enforcement**. No Customer shall bypass, disable, alter, remove, or interfere with a required measuring device, or divert or use water under the District's water rights in violation of this Section or any applicable authorization. Upon identifying a violation, the District may require corrective action, suspend or revoke the Customer's authorization to use District water rights, or pursue any other remedy available under these Rules and Regulations or applicable law. The District may require immediate cessation of an unauthorized diversion or use when necessary to comply with a water court decree, lawful water administration order, or other applicable legal requirement. Any suspension or revocation shall be subject to the applicable notice and hearing procedures under Article IX, except to the extent immediate action is necessary to comply with law or protect the District's water rights.

7. **No Enlargement of Water Rights**. Nothing in this Section grants any Customer an independent water right, enlarges the District's decreed water rights, authorizes the use of water or historical consumptive-use credits committed to augmentation or other purposes, or guarantees the availability of raw water for irrigation.

## 4.6 Water Use Restrictions

The District is responsible for protecting an adequate supply of water to its consumers. The District recognizes that certain conditions may exist when water supply is temporarily limited. The District cannot and does not guarantee a quantity of water to be available to meet

the demand that may arise. Accordingly, it can be anticipated that certain limitations and conditions may be imposed by the District with respect to the use of facilities and the ability to make new connections when requested. The Board, in its sole discretion, may implement these Section 4.6 Water Use Restrictions for limited periods of time upon Board resolution.

4.6.1 **Waste**

Water shall be used only for beneficial purposes and shall not be wasted. Any instance of flagrant runoff or waste will be considered a violation of these Water Use Restrictions and subject to the penalties provided for in Sections 4.6.5 and 4.6.7. Water for irrigation of lawns and other outside uses shall be used pursuant to regulations of the District.

4.6.2 **Restrictions of Use**

If conditions of supply so limit the water supply of the District's water system that unrestricted water use may endanger the adequacy of that supply, the Board of Directors, exercising its discretion in the protection of the public health, safety, and welfare, may by resolution adopt one or more of the following emergency water use restrictions, together with such additional regulations and restrictions as are reasonably calculated under the circumstances to conserve and protect that supply and to insure a regular flow of water through that system. Emergency water use regulations and restrictions shall remain in force and effect until the Board determines that the conditions requiring their imposition no longer exist. Compliance with these Water Use Restrictions is a requirement of these Rules and Regulations.

If adopted by Board resolution, and unless otherwise stated in the resolution, commencing June 1, and continuing through September 30, no water shall be used for lawn irrigation or other purposes outside the residence, apartment building, commercial building, or other structure (hereinafter referred to as the “Building”) except as follows:

1. Premises with even-numbered addresses may use irrigation water on said premises outside said Buildings on Sundays, Wednesdays, and Fridays.

2. Premises with odd-numbered addresses may use irrigation water on said premises outside said Buildings on Tuesdays, Thursdays, and Saturdays.

3. Swimming pools will be limited to one (1) filling per year, and one (1) refilling per year where draining for repairs is necessary. The Customer shall notify the District in writing at least two (2) business days prior to the filling of a swimming pool.

4. Hot tubs will be limited to two (2) fillings per year of no more than 700 gallons per fill, unless draining for repairs is necessary.

5. No irrigation shall be permitted at any time by use of free running hose without nozzle or sprinkler.

6. Nothing herein shall create an exception to meet a specific water supply condition.

Except as expressly provided by Board resolution or otherwise required by applicable law or decree, the irrigation schedules and restrictions established under this Section apply to water supplied through the District's potable water distribution system. Raw-water diversions under District-owned water rights shall be governed by Section 4.5.12 and any applicable restrictions established by the District in accordance with its water rights and water supply obligations.

### 4.6.3 Water Shortages

If a shortage or prospective shortage necessitates such action, the District may restrict or curtail its supply of water to its Customers. All Customers similarly situated will be treated uniformly, but the District may treat different categories of Customers differently as identified in the applicable Board resolution.

### 4.6.4 Outdoor Water Features

Water for outdoor uses shall be used pursuant to these Rules and Regulations. Outdoor, private water features, such as but not limited to fountains, waterfalls, and artificial ponds are prohibited in new construction and redevelopment. Pre-existing water features, which exist as of August 10, 2023, shall be entitled to continue to operate. However, modification, enlargement, or substantial improvement of the water feature will not be allowed, and any excessive use of water associated with the property or metered account may trigger the need to remove said water feature. Water features are not allowed to be placed in easements.

For purposes of this Section, dedicated on-site storage serving an Outdoor Wildfire Suppression System in accordance with Section 5.3.2 shall not constitute an "outdoor water feature" solely because such storage consists of a tank, cistern, pond, or similar storage facility. The establishment, filling, refilling, and use of such storage shall be governed by Section 5.3.2 and all other applicable legal requirements. Nothing in this provision authorizes the construction of a storage facility or establishes or confirms any water right, storage right, permit, or other legal authorization required for such facility or the water stored therein.

The District expressly prohibits the use of potable water in water features and fountains that (1) eject a fine spray or mist into the air; or (2) consume potable water volumes greater than 20 gallons per day or (3) have a surface area greater than 200 square feet. The District encourages the use of surface covers to reduce evaporative losses on swimming pools and hot tubs.

### 4.6.5 Remedies for Unauthorized Use

Any unauthorized use of water shall be paid for at the same rate as if that use had been authorized together with the costs incurred by the District in discovering and

collecting for the unauthorized use. Such payments shall not in any way affect the right of the District to disconnect or suspend water service to any Customer for unauthorized use, or to charge additional penalties or pursue such other remedies as may be authorized by law or approved by the Board of Directors of the District; nor shall it affect any criminal liability which may have attached by reason of such unauthorized use.

### 4.6.6 Seals and Detection Devices

The District may require that seals be attached to any water using system in or about a Customer's premises in order to detect any unauthorized use of water from that system. If necessary, the District may also require that mechanical devices be attached to any water using system in or upon a Customer's premises in order to detect any unauthorized use of water from such system. Such mechanical devices may be inspected on behalf of the District at any reasonable time.

### 4.6.7 Violations

Violations of this Section 4.6 shall be subject to the warning, charges, and service remedies set forth in this Section 4.6.7, and not the general penalty provision of Section 1.11, except that the District may recover actual damages, repair costs, and attorney fees to the extent authorized by these Rules and applicable law.

The Customer shall be responsible for complying with these Rules and Regulations, and for payment of any charge imposed under this Section, and notice of any violation of any water use regulation or restriction or waste of water shall be considered grounds for the disconnection or suspension of water service to any Customer, premises, building or water facility. Customers shall be responsible for complying with the regulations and/or restrictions. A Customer who violates said regulations and/or restrictions will be subject to the following actions and penalties:

1. In the event of a first violation, the Customer will be advised in writing of said violation and informed that a monetary charge will be added to the water bill for subsequent violations.

2. In the event of a second violation at the same location, the Customer will be advised in writing of said violations and a $100 charge will be added to the water bill for said location.

3. In the event of a third or any subsequent violation at the same location, the Customer will be advised in writing of said violations and a $500 charge will be added to the water bill for said location.

4. Continuing waste of water or willful violation of any regulation and/or restriction is cause for temporary suspension or revocation of service, following written notice and subject to Article IX, unless immediate action is required to protect the public health, safety, or the District’s system.

### 4.6.8 Special Permits

The District may issue special permits upon written application to the District. Each permit shall be issued, conditioned, denied, renewed, or revoked in writing and shall state its duration and any applicable conditions. Special permits may be issued as follows:

1. When there are circumstances which do not permit a Customer to comply with the regulations and restrictions and deliver one inch (1") of water per week on landscaped grounds of the premises, provided the Customer submits a plan describing the area to be served and the method to be used to deliver an adequate amount of water.

2. For watering newly-sodded lawns and newly planted trees and gardens each day for a period not to exceed 14 consecutive days, and at a rate not to exceed one inch (1") per week or for watering newly seeded lawns each day for a period not to exceed 25 consecutive days and at a rate not to exceed one inch (1") per week.

3. For neighborhood gardens, and if water for such gardens is obtained from a nearby residence, additional watering days may be allocated to that particular residence for the watering of such garden.

4. For daily watering of outside stock at nurseries, greenhouses, and stores.

5. There shall be a charge of $15 for each permit issued.

6. Violation of the terms of a permit will be cause for revocation of the permit by written notice. Such revocation shall be subject to Article IX.

7. The District shall have authority to interpret, apply, and enforce the Board's Rules and Regulations for water use restrictions to prevent undue commercial or business hardship and may issue special use permits in furtherance of this authority, provided that similarly situated Customers shall be treated uniformly.

### 4.6.9 Water Use Efficiency Plan

On July 1, 1996, the Board of Directors or its designated representative dispersed to its Customers a water use efficiency plan which addressed the following issues:

1. Water efficient fixtures and appliances including toilets, urinals, showerheads, and faucets;

2. Low water use landscapes and efficient irrigation;

3. Water efficient industrial and commercial water using processes;

4. Water reuse systems, both potable and nonpotable;

5. Distribution system leak repair;

6. Dissemination of information regarding water use efficiency measures, including by public education, Customer water use audits, and water saving demonstration;

7. Water rate structures designed to encourage water use efficiency in a fiscally responsible matter;

8. Regulatory measures, including standards for the use of water use efficiency fixtures and landscapes, and ordinances, codes, or other law designed to encourage water use efficiency; and

9. Incentives to implement water use efficiency techniques, including rebates to Customers or others to encourage the installation of water use efficiency measures.

Upon its dissemination, the plan became the policy of the District and a part of these Rules and Regulations.

## 4.7 Line Locations

Upon request of a Customer to the District, the District Contractor will attempt to locate and mark all water lines to the best of its ability by using available information. The cost for basic line locations will be the responsibility of the Customer unless the Customer has applied and paid for a tap fee which is related to the construction for which the line locate is needed. The line locate fee will be at the District's standard hourly rates.

### 4.7.1 Customer Indemnification of the District

Customers will defend, save harmless and indemnify the District against any liability, claim or demand arising from or related to the Customer's use or employment of any Contractor other than the District Contractor for locates, construction, repair, or replacement of District water lines. The District will not accept financial liability to any party for any costs or damages incurred as a result of a Customer's use of an unauthorized contractor, or an inaccurate location performed by an unauthorized contractor.

### 4.7.2 District Indemnification of the District Contractor

The District will defend, save harmless and indemnify its District Contractor against any liability, claim or demand arising out of any alleged act or omission occurring in the performance of the District Contractor's duties on behalf of the District, except for claims, injuries, and demands accruing from willful or reckless conduct. The District may defend, compromise, and settle any such claim or suit and/or pay the amount of any settlement for judgment rendered thereon. Any obligations of the

District herein do not constitute a general obligation or other indebtedness of the District, or a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of the District within the meaning of any constitutional, statutory or charter limitation.

# ARTICLE V: APPLICATION FOR SERVICE

## 5.1 Service Areas

### 5.1.1 Service Within District Boundary

Water system service will be furnished in accordance with the District's Rules and Regulations to property included within and subject to the Rules and Regulations of and taxation by the District.

### 5.1.2 Inclusions

A person who desires service and who owns land both within and outside the boundaries of the District, must include all of his land outside the District which is serviceable by the system and is contiguous to the parcel on which service is desired. A formal request for inclusion within the District shall be made to the District, on its standard form, by the applicant, accompanied by a non-refundable payment of $5,000 for legal fees and the estimated cost of processing the application for inclusion. Any additional costs or legal fees that may occur shall be assessed and paid prior to approval of inclusion by the Board. Until paid, such additional costs and fees shall be a lien upon the property.

### 5.1.3 Service Outside District Boundary

No water system service shall be provided to property exclusively outside of the District, except upon the express written consent of the Board. Charges for furnishing service outside of the District shall be at the discretion of the Board. The charge for service furnished shall equal at least the cost of service, plus the estimated property tax and tap fees for which such property would be responsible if it were a part of the District. In every case where the District furnishes service to property outside the District, the District reserves the right to discontinue the service when, in the judgment of the Board of Directors, it is in the best interest of the District to do so.

## 5.2 Application for Service

### 5.2.1 Forms and Fees

Application for water service must be furnished to the District and accompanied by appropriate fees. Water tap fees must be paid no later than the date a building permit is obtained for construction of the related improvements. A connection to the system shall be made only by District personnel upon authorized approval of the permit and a receipt indicating payment of all fees.

### 5.2.2 Tap Information Required

All information requested on the tap permit form must be completed. A site plan or

improvement plan showing the location of the building relative to property lines, utility lines, curb stop valve box location, and all easements shall be provided for the tap permit. A copy of the building permit application form and a copy of the building floor plan shall be provided for the tap permit. The building floor plan shall indicate the location of the water meter, the remote reading device, and the telephone jack location.

### 5.2.3 Reassessment of Tap Fees

Should any information disclosed on the application prove at any time to be false, or should the applicant omit any information, the District shall have the right to: reassess the tap fee originally charged to the rate current at the time of discovery by the District of the false or omitted information, and/or disconnect the service in question, and/or back-charge the property in question for tap fees and service fees that may be due and owed, and/or charge any other additional fee or penalty specified in these Rules and Regulations. Any reassessment, penalties, or other additional fees charged, with interest at the maximum legal rate on the entire balance upon and from the date of the original application, shall be due and payable immediately.

Should the metered consumption or approved usage exceed the conditions upon which the original tap fees were paid, the District reserves the right to reassess the tap fees originally charged to the rate current at the time of discovery by the District.

### 5.2.4 Winter Taps

During the winter months (October 16 to April 14), taps may be made by appointment, at the District's sole discretion, provided that the tap location is heated or protected from freezing.

## 5.3 Special Conditions

### 5.3.1 Indoor Fire Sprinkler System

This Section applies to indoor fire sprinkler systems serving structures or buildings. Outdoor wildfire mitigation and suppression systems including exterior, roof, and structure-wetting systems, are governed by Section 5.3.2.

If an indoor fire sprinkler system is proposed, plans approved by the applicable fire authority or other authority having jurisdiction, when such approval is required, shall accompany the application submitted to the District. Indoor fire sprinkler systems shall comply with applicable National Fire Protection Association standards as adopted or required by the authority having jurisdiction and with all applicable building, fire, plumbing, and other governmental codes and requirements.

Indoor fire sprinkler systems shall be protected from fluctuating water-main pressures by means of a pressure-reducing valve as required by these Rules and Regulations. The District may grant a written waiver from this District requirement upon written request when the District determines that a waiver will not adversely affect the

District's potable water system.

Without limiting the additional District requirements of Article VII, the potable water supply to an indoor fire sprinkler system shall be provided with Backflow Protection as required by the Colorado Plumbing Code, Article VII, Cross-Connection Control, the applicable fire authority, and other applicable law. The type of Backflow Protection shall be appropriate to the degree of hazard and system configuration. Systems containing chemical additives or antifreeze, or connected to a nonpotable secondary water supply, shall be provided with the level of Backflow Protection required by applicable law and Article VII.

Backflow Prevention Assemblies and Backflow Prevention Methods serving indoor fire sprinkler systems shall comply with Article VII, including applicable testing, inspection, and maintenance requirements.

### 5.3.2 Outdoor Wildfire Suppression System

1. **Purpose and Applicability**

   This Section applies to Outdoor Wildfire Suppression Systems as defined in Article II. This Section does not apply to Irrigation Systems as defined in Article II. A system capable of serving both irrigation and wildfire suppression purposes shall be treated as an Outdoor Wildfire Suppression System when designed, configured, or operated for wildfire suppression, including when connected to dedicated wildfire storage or pumping equipment.

   The requirements of this Section are intended to protect the District's potable water distribution system and regulate the use of District water and connections to the District's system. Except as expressly provided in these Rules and Regulations, the District does not regulate or approve the design, adequacy, effectiveness, or operation of an Outdoor Wildfire Suppression System independent of its connection to or use of the District's potable water distribution system.

   Nothing in this Section expands or modifies any water right, decree, augmentation plan, or replacement-water obligation of the District. All diversions, deliveries, depletions, and replacements associated with District water supplied under this Section shall remain subject to the District's applicable water-right decrees and accounting requirements.

2. **Water Supply Requirements and Prohibited Connections**

   An Outdoor Wildfire Suppression System shall not draw water directly or indirectly from, or otherwise rely on, the District's potable water distribution system during suppression use. During suppression use, the system must be supplied by:

   i. Customer-provided on-site storage; or

ii. A separate, non-District water source legally available to the Customer.

The Customer is solely responsible for obtaining and maintaining any water right, storage right, decree, permit, approval, or other legal authorization necessary to store water on the Customer's property or to divert, store, or use water from any non-District source. Authorization by the District to fill on-site storage with District potable water does not grant, establish, confirm, or warrant the existence of any right to store such water on the Customer's property.

The following are prohibited:

i. Any piping or other arrangement that permits the Outdoor Wildfire Suppression System to draw water from the District's potable water distribution system during suppression use; and

ii. Any valve, control, automation, or other configuration that permits storage serving the system to fill or refill automatically from the District's potable water distribution system at any time or without the approval required by Subsection 3 below.

District water used to fill on-site storage must be metered and supplied in accordance with District requirements and only after approval by the District pursuant to Subsection 3.

Where storage serving an Outdoor Wildfire Suppression System contains or is capable of receiving water from a non-District or nonpotable source, the connection used to supply District potable water shall incorporate such cross-connection control or physical separation, including an air gap if required by the District, as the District determines necessary to protect the potable water system.

3. **Filling and Refilling On-Site Storage**

Dedicated on-site storage may be filled or refilled with District potable water only in accordance with this Section and Article VII, Cross-Connection Control. District potable water supplied to storage pursuant to this Section shall be used only for wildfire defense, mitigation, or suppression and for reasonable testing or maintenance necessary to maintain the associated Outdoor Wildfire Suppression System in operable condition. District potable water supplied pursuant to this Section shall not be withdrawn or used for routine irrigation, landscaping, water features, domestic use, or any other purpose unrelated to wildfire protection.

For purposes of this Section, a "fill" or "refill" includes any addition of District potable water to storage serving an Outdoor Wildfire Suppression System, including any partial fill, topping off, replacement of water lost through evaporation or leakage, or replacement of water discharged for testing, maintenance, wildfire protection, or any other purpose.

Before beginning any fill or refill using District potable water, the Customer shall contact the District and request authorization to fill or refill the storage. The Customer shall not begin filling until the District has approved the request. The District may require that a request be submitted or confirmed in writing or electronically and may require the Customer to provide the anticipated volume of the fill or refill and such other information as the District reasonably requires to evaluate the request.

The District may approve or deny a request based upon the then-existing and reasonably anticipated operating conditions of the District's potable water system, including available finished-water storage, well production, system demand, maintenance or outages, emergency conditions, other approved or pending Outdoor Wildfire Suppression System fills or refills, and other conditions affecting the District's ability to provide water service. Approval of one request does not obligate the District to approve any subsequent request. The District may suspend or revoke an approval if system conditions materially change before or during filling.

A Customer receiving authorization shall commence the authorized fill or refill promptly following approval. Unless otherwise approved by the District, an authorization shall expire if filling has not commenced within forty-eight (48) hours after approval. The Customer shall notify the District when the authorized fill or refill has been completed. If an authorization expires before filling commences, the Customer shall submit a new request before filling.

The District may approve a requested fill or refill in whole or in part and may limit the total volume of District potable water authorized for a particular fill or refill. Authorization to fill storage does not require the District to provide sufficient water to fill the Customer's storage to its maximum capacity.

Unless otherwise approved by the District in writing:

i. The maximum fill rate shall not exceed fifteen (15) gallons per minute;

ii. A Customer may fill the storage once per calendar year following approval by the District; and

iii. A Customer may request an additional refill when necessary following actual use of the storage for wildfire defense, mitigation, or suppression, or when necessary for maintenance or repair. Each additional refill requires separate approval by the District.

Each authorization applies only to the particular fill or refill requested and expires upon completion of that fill or refill.

The fill-rate limitation from the District's potable water distribution system applies only to storage serving an Outdoor Wildfire Suppression System and does not establish a flow limitation for Irrigation Systems regulated elsewhere in these

Rules and Regulations.

The District may require a District-approved flow-control device and related appurtenances to enforce the authorized fill rate. Filling shall be controlled and metered and shall not permit automatic filling or refilling from the District's potable water distribution system.

As a condition of receiving District potable water for storage, the Customer shall be solely responsible for compliance with all applicable water-right, storage, permitting, and other legal requirements. The District may require the Customer to certify that any authorization legally required to store District potable water on the Customer's property has been obtained. District approval of a fill or refill request is an operational authorization to receive District water and is not a determination concerning the Customer's legal right to store that water.

All authorizations to fill or refill storage are subject to Section 4.6, Water Use Restrictions, and any applicable Board resolution concerning water shortages or restrictions.

4. **Cross-Connection and Backflow Prevention**

All connections and appurtenances used to fill dedicated storage from the District's potable water distribution system must comply with Article VII and all applicable District requirements for cross-connection control, backflow prevention, testing, inspection, and maintenance.

The District may require the Customer to demonstrate that the proposed fill arrangement and storage configuration do not create a direct or indirect connection between the Outdoor Wildfire Suppression System and the District's potable water distribution system.

District review or approval under this Section is limited to protection of the District's potable water system and the lawful provision and use of District water service. Except to the extent necessary to protect the District's potable water system, District facilities, or District easements, the District's review does not include approval of the size, capacity, material, or above- or below-ground placement of Customer storage; the number, type, location, flow rate, or configuration of sprinklers, nozzles, pumps, hoses, or other suppression equipment; or the adequacy or effectiveness of an Outdoor Wildfire Suppression System for wildfire protection.

It does not relieve the Customer from obtaining any permit or approval required by a fire authority, building official, water-rights authority, or other governmental or regulatory agency.

No permit, approval, inspection, or authorization issued by the District under this Section constitutes a representation, warranty, or certification that an Outdoor Wildfire Suppression System will provide adequate or effective wildfire

protection or that water will be available from the District for filling or refilling storage at any particular time.

5. **Review, Inspection, and Customer Responsibilities**

Before installing, modifying, or using a connection from the District's potable water distribution system to storage serving an Outdoor Wildfire Suppression System, the Customer shall submit plans and other information required by the District to demonstrate compliance with this Section and Article VII.

The District may require an inspection of the fill connection, Backflow-Protection, flow-control device, metering arrangement, and other appurtenances affecting the District's potable water system before the first District-authorized fill or refill. Any material modification to the connection or such appurtenances shall be submitted to the District and may be subject to inspection before further use of District potable water.

The Customer shall coordinate all required District inspections. The District may require inspection or testing, as applicable, of Backflow Prevention Assemblies, Backflow Prevention Methods, flow-control devices, and related appurtenances before activation and at any time thereafter as necessary to protect the District's system.

As part of each request to fill or refill storage with District potable water, the District may require the Customer to certify that the fill connection and related appurtenances have not been materially modified since the most recent District inspection or approval and remain in compliance with this Section.

No Customer or other person shall bypass, remove, disable, alter, or modify any District-required meter, flow-control device, Backflow Protection, seal, or other appurtenance associated with a fill connection except with prior District authorization. Any such unauthorized action constitutes a violation of this Section and may also constitute tampering or an unauthorized use under these Rules and Regulations.

The Customer is responsible for continued compliance with this Section, including proper operation and maintenance of all flow-control and devices and Backflow Protection.

All costs associated with Customer-owned facilities and appurtenances necessary to comply with this Section, including their design, installation, modification, maintenance, repair, testing, and correction, shall be borne by the Customer unless otherwise agreed by the District in writing.

6. **Existing Outdoor Wildfire Suppression Systems**

Any Customer having, as of October 22, 2026, an existing Outdoor Wildfire Suppression System that is connected directly or indirectly to the District's

potable water distribution system, or that includes a connection or other arrangement through which District potable water may be used to fill or refill storage serving the system, shall notify the District of the system within ninety (90) days after the effective date of this Section. The District may require the Customer to provide information concerning the existing fill connection, storage, backflow protection, flow-control equipment, and related appurtenances and may inspect the connection pursuant to these Rules and Regulations.

No existing system shall be grandfathered with respect to:

i. A direct or indirect connection that permits the Outdoor Wildfire Suppression System to draw from the District's potable water distribution system during suppression use;

ii. An automatic filling or refilling arrangement connected to the District's potable water distribution system;

iii. An unprotected or inadequately protected cross-connection; or

iv. An unmetered or unauthorized connection to the District's potable water distribution system.

Upon notice from the District, a Customer shall immediately cease use of any connection or configuration described above and shall isolate or disconnect the condition as directed by the District. The District may require corrective work before the connection may again be used.

An existing system that does not present an immediate threat to the District's potable water system may remain in place; however, no existing fill connection may thereafter be used to obtain District potable water unless and until the connection complies with the applicable requirements of this Section and Article VII and the Customer has obtained District approval for the particular fill or refill.

Nothing in this Subsection requires an existing Outdoor Wildfire Suppression System that is wholly independent of the District's potable water distribution system and has no direct or indirect connection to the District system to be registered with or approved by the District solely by reason of its use for wildfire suppression.

7. **Enforcement**

If the District determines that an Outdoor Wildfire Suppression System or associated fill connection violates this Section or Article VII, the District may require immediate corrective action, including disconnection of any prohibited connection. Any prohibited connection or configuration described in this Section may be treated as an uncontrolled cross-connection under Article VII and/or an unauthorized connection subject to the District's general enforcement and service revocation provisions.

The District may also exercise any remedy authorized by these Rules and Regulations to protect the potable water distribution system, including discontinuation of water service when necessary.

The District is not required to observe an Outdoor Wildfire Suppression System operating during a wildfire or other emergency in order to determine that a violation has occurred. In investigating compliance, the District may rely upon inspections, meter or automated meter-reading data, backflow testing and inspection records, flow-control or detection devices, Customer records or admissions, photographs, and reports or observations of District personnel, fire-protection personnel, or other reliable information. Enforcement may occur after the wildfire or emergency condition has ended.

Nothing in this Section requires District personnel to enter an evacuation area, active fire area, or other unsafe location for purposes of observing or enforcing compliance with these Rules and Regulations.

### 5.3.3 Lawn Irrigation System

This Section applies to Irrigation Systems as defined in Article II.

Any Irrigation System that uses the District's potable water system shall be:

i. Metered in accordance with Section 4.5.3;

ii. Protected against backflow in accordance with the Colorado Plumbing Code, Article VII Cross-Connection Control, the District's cross-connection control program, and other applicable law;

iii. Equipped with an approved Reduced Pressure Principle Backflow Prevention Assembly that complies with Article VII, the District's backflow prevention and cross-control program, and applicable law; and

iv. Inspected by the District prior to first use, and may be inspected subsequently, pursuant to the District's authority in accordance with Section 1.10.

Nothing in this Section limits the District's authority to require additional or more protective Backflow Protection based upon the degree of hazard or system configuration.

Irrigation Systems using raw water diverted under District-owned water rights shall comply with Section 4.5.12. The measurement requirements applicable to such systems are separate from the potable water metering requirements of Section 4.5.3. Nothing in this Section authorizes an unprotected cross-connection between a raw-water irrigation system and the District's potable water distribution system.

## 5.4 Conditional Permit

The District reserves the right to issue a conditional permit with a notice filed against the property title. The notice will indicate the existence of a condition(s), which is not in compliance with District Rules and Regulations, but still allow water service to the property. The notice will provide that as a condition of receiving service the Customer agrees to indemnify and hold the District harmless for any damage resulting from existence of the condition. Examples are connection to private mains not owned or maintained by the District, lack of easements for access and maintenance, and construction not in accordance with District specifications.

Notwithstanding the foregoing, a Conditional Permit shall not authorize an uncontrolled cross-connection or any connection or configuration expressly prohibited by Section 5.3.2 with respect to an Outdoor Wildfire Suppression System.

## 5.5 Denial of Permit

The District reserves the exclusive right to deny application for service when, in the opinion of the District, the service applied for would create an excessive seasonal or other demand on the facilities. Denial may also be based upon an unresolved obligation between the District and the applicant, inadequate documentation of easements for main lines serving the property, or any other reason as determined by the District.

## 5.6 Cancellation of Permit

The District reserves the right to revoke any prior approval of a permit before service has been provided, and the right to revoke service after it has commenced for any violation of these Rules and Regulations.

### 5.6.1 Revocation of Tap Rights

The right to connect to the District's system and to receive services under Section 4.3, Use of Systems, shall be revocable by the District upon non-payment of any fees owed to the District and remaining unpaid for a period of thirty (30) days, whether or not the Customer owning the right to connect has actually connected to the District's system. Such revocations shall be conducted in accordance with the procedures outlined in Section 4.3.5, Revocation of Service. If the right to connect to the District's system is revoked, the Customer may reacquire such tap rights by reapplying for service in accordance with Section 5.2, Application for Service. The reapplication will be considered only after payment of all fees due and owed the District and the current tap fees charged by the District under these Rules and Regulations.

# ARTICLE VI: MAIN LINE EXTENSIONS

## 6.1 Main Line Extension by the District

The District may construct any main line if the Board deems it in the best interest of the District to do so. All main line extensions, which are so authorized, shall be bid competitively, when required by state law, and contract awarded under the authority of the Board. The District Contractor installing the main lines shall be responsible to the Board. The District, through its District Engineer, shall supervise construction activity and coordinate all matters pertaining to the completion of the subject project, including permits, easements, material approvals, site inspection, acceptance, payments to the District Contractor, and field verify the as-built drawings. As-built data shall be provided in a digital format as per District specifications.

### 6.1.1 Performance Payment and Warranty Bonds

Any Contractor performing work subject to the public-works bonding requirements of C.R.S. §§ 38-26-105 and 38-26-106, as amended, shall, before commencing such work, furnish the bond or other acceptable surety required by applicable law, in the form and amount required by law and approved by the District.

In addition to, and not in limitation of, any security required by applicable law, as an independent District requirement, performance, payment, and warranty bonds each in an amount equal to one hundred percent (100%) of the contract price shall be furnished to the District by the Contractor on all contracts with the District.

All main lines constructed in compliance with the contract specifications and District acceptance procedures shall be accepted by the District upon completion of construction, subject to a two-year warranty period. Any defective work identified during the warranty period shall be promptly corrected by the District Contractor without cost to the District.

All reasonable inspection fees and other costs associated with warranty work and required by the District or another governmental authority shall be paid by the District Contractor.

### 6.1.2 Acceptance Procedures

Before the main lines are accepted by the District, the following procedures shall be completed by the District Contractor or applicant. The District Contractor or applicant shall certify the main lines and all appurtenances are free and clear of all liens and encumbrances; furnish to the District a warranty bond to cover all maintenance for two (2) years from the date of construction acceptance of the main lines by the District; provide the District digital field verified as-built drawings of all facilities constructed, including but not limited to easements, water valve locations, fire hydrant locations, water stub out locations, data on storage tanks, data on pumps,

coordinates of manholes, rim and invert elevations; provide inspection and test results; provide digital copy of all computer information available as per District specifications; and provide maintenance, operating, and parts manuals. District personnel shall be present for all pressure tests on water main lines plus any other tests as deemed necessary.

## 6.2 Main Line Extensions by Developers

The District has no obligation to extend any main line. At the discretion of the District, the District may permit an applicant to construct, at the sole expense of the applicant, water main lines prior to their construction by the District. The applicant shall request intent to provide service from the District and subsequently enter into a written main line extension agreement with the District prior to proceeding with any construction.

### 6.2.1 Locations of Main Line Extensions

Main lines shall be installed in road or street rights-of-way, as well as in easements granted to the District. Where required main lines must cross land not being subdivided or where such land is under the applicant's control for the granting of public rights-of-way, each applicant who desires service will, in consultation with and with the approval of the District, plat and grant to the District appropriate rights-of-way and easements in which main lines will be constructed.

## 6.3 Main Line Project Procedures for Developers

### 6.3.1 Letter of Intent

During the concept design of a development which requires the construction of water main lines, the developer shall request the respective District to provide a letter expressing the intent to provide service. The developer's request shall include data on the number and type of dwellings, commercial or individual facilities, any irrigation systems, and other activities that would have an impact on water use. The request letter shall contain a description of water rights owned by the developer and a plan indicating the proposed development of the site. The District will analyze its ability to provide water service to the site. This analysis will determine the adequacy of existing distribution system capability and the need to increase the capacity of any existing lines, equipment, or facilities. The analysis will also determine the need to oversize lines in the development site for anticipated future service needs. The District will provide a formal intent to serve the development site and include any conditions deemed appropriate. This letter of intent to serve should be available to the County Planning Commission and an incorporated town planning committee.

### 6.3.2 Oversizing Main Lines

Based on District estimates of future growth and use of a main line, the applicant shall construct oversized main line extensions as required by the District, at the District's expense for the incremental cost of the oversized line. The District shall recover the cost of oversizing, including reasonable interest, by connection of future Customers

or future main line extensions.

### 6.3.3 Application for Approval

All applicants desiring to construct a main line within the District shall submit a formal application to the District. This application shall contain a legal description of the property to be served by the main line, the estimated number of service taps to be served, the type of structures, the use of the property, the easements to be conveyed, the detail construction plans and specifications for that extension, and any other information reasonably required by the District. Within a reasonable time, the District staff and consultants shall review the easements, plans, and specifications for conformance to District, county, and state specifications; submit the recommended plans, with appropriate documentation to the District for overall review, and recommend construction plan approval. If cost recovery is applicable, a Cost Recovery Agreement must be concluded in accordance with Section 6.4, Cost Recovery. Two sets of documents marked "Approved" by the District shall be returned to the applicant. The cost of such review for compliance shall be borne by the applicant.

### 6.3.4 Deposits with the District

Prior to the main line extension approval by the District, the applicant shall deposit with the District an amount sufficient to compensate the District for engineering fees, legal fees, and other costs anticipated to be incurred by the District as a result of the application and the construction of the main line. All reasonable inspection costs conducted by any governmental agency, including the District, shall be paid by applicant.

### 6.3.5 Acceptance of Main Lines

When construction of the main line is completed, the applicant shall notify the District and provide one set of District approved documents, which has been marked to reflect field verified as-built conditions. The District will then inspect the main line, equipment, special structures, and easements for conformance to the approved requirements. Applicants who have completed construction and District inspection of main lines shall, before the main lines are accepted by the District, deed the main lines and appurtenances to the District free and clear of all liens and encumbrances, and furnish to the District a warranty bond for a two-year (2) period from the date of acceptance of the main lines by the District. Prior to the acceptance of the main lines by the District, the applicant shall provide the District with:

1. Legally recorded documents of all easements accompanying the main lines;

2. One set of four mil Mylar, field-verified as-built drawings;

3. One disk of spatial data in digital format as specified by District specifications;

4. Three (3) sets of all operation, maintenance, and part manuals for all electrical

and mechanical equipment provided by the contract; and

5. A certified statement of the costs of the main lines.

No taps may be made onto the main line until construction acceptance has been granted by the District in writing, or by special written permission with the District.

## 6.4 Cost Recovery

The cost recovery contract policies and procedures of the District for water main extensions are administered individually by the District and are not within the purview of these Rules and Regulations, except as may be set forth in Appendix A, Schedule of Fees and Charges.

Information regarding the opportunity for cost recovery contracts for water main extension within any District may be obtained from the applicable District's administrative offices.

# ARTICLE VII: CROSS-CONNECTION CONTROL

## 7.1 Cross-Connection Control Authority

The District shall implement and maintain a backflow prevention and cross-connection control program in accordance with the Colorado Primary Drinking Water Regulations, including 5 CCR 1002-11, Section 11.39, Backflow Prevention and Cross-Connection Control, as now constituted or hereafter amended.

The District's cross-connection control program shall also be administered in accordance with the Colorado Plumbing Code, 3 CCR 720-1, as applicable, these Rules and Regulations, and other applicable federal, state, and local requirements.

The District may adopt written policies, procedures, standards, forms, and technical requirements reasonably necessary to implement its backflow prevention and cross-connection control program and to protect the District's potable water system.

## 7.2 Applicable Standards and Definitions

Terms relating to Backflow Protection and cross-connection control that are not otherwise defined in these Rules and Regulations shall have the meanings provided in the Colorado Primary Drinking Water Regulations and, where applicable, the Colorado Plumbing Code.

For purposes of this Article, Backflow Protection may consist of a Backflow Prevention Assembly, an air gap, or another Backflow Prevention Method approved by the District and appropriate for the degree of hazard and the particular cross-connection.

Where a provision of this Article conflicts with a mandatory requirement of applicable state or federal law, the applicable law shall control. Nothing in this Article prevents the District from imposing a more protective requirement within the District's lawful authority when reasonably necessary to protect the potable water system.

## 7.3 General Requirements

7.3.1. Approved Backflow Prevention Assemblies shall be installed on all commercial, industrial, mixed-use, and indoor fire sprinkler systems governed by Section 5.3.1 to protect the District's potable water system from actual or potential cross-connection contamination. Such assemblies shall comply with this Article VII, the District's backflow prevention and cross-connection control program, and applicable law.

7.3.2. Approved Backflow Prevention Assemblies shall be installed on any service connection that serves three (3) or more residential units.

7.3.3. Approved Backflow Prevention Assemblies that provide containment shall be installed on all new service connections and shall be located downstream from the meter and prior to any other connection.

7.3.4. The District requires that all building plans for new construction or remodels that involve plumbing be submitted to the District for review and approval prior to construction.

In addition to plan review, the Customer shall provide such information, records, and access as the District reasonably requires to conduct cross-connection surveys; identify and evaluate actual or potential cross-connections; and determine whether required Backflow Protection has been properly installed, maintained, tested, inspected, repaired, or replaced.

7.3.5. All Backflow Prevention Assemblies required by these Rules and Regulations or otherwise used to control a cross-connection shall be tested at the time of installation and at least annually thereafter. A Backflow Prevention Assembly shall also be tested following repair or relocation when required by applicable law or the District.

Testing shall be performed by a Certified Cross-Connection Control Technician holding a current and valid certification recognized under applicable Colorado law. Test results shall be submitted to the District on the District's required form or in another form and manner approved by the District, and all required information shall be complete and legible.

All Backflow Prevention Methods used to control a cross-connection, including air gaps and other non-testable methods, shall be inspected at the time of installation and at least annually thereafter by the District or a Certified Cross-Connection Control Technician, as permitted by applicable law. Records of such inspections shall be provided to or maintained by the District as required by the District.

A Backflow Prevention Assembly that fails a required test, or a Backflow Prevention Method determined to be inadequate, shall be repaired, replaced, or otherwise corrected within the period required by the District and applicable law. Nothing in this Section limits the District's authority to require corrective action within a shorter period when necessary to protect the District's potable water system or public health.

7.3.6. All Backflow Prevention Assemblies and Backflow Prevention Methods used within the District shall comply with the Colorado Primary Drinking Water Regulations, including 5 CCR 1002-11, Section 11.39, as amended; the Colorado Plumbing Code where applicable; applicable Colorado Department of Public Health and Environment requirements, policies, and guidance; the District's backflow prevention and cross-connection control program; and any additional District standards adopted pursuant to these Rules and Regulations.

Compliance with applicable state requirements shall not preclude the District from imposing a more protective requirement within its lawful authority where these Rules and Regulations or the District's cross-connection control program establish such a requirement.

7.3.7. Backflow Prevention Assemblies installed on indoor fire sprinkler systems governed by Section 5.3.1 must meet the requirements of the applicable fire authority, this

Article VII, and applicable law.

As an independent District requirement, any indoor fire sprinkler system containing glycol shall be protected by an approved Reduced Pressure Principle Backflow Prevention Assembly. The reduction in pressure resulting from such assembly shall be incorporated into the design of the fire sprinkler system.

Nothing in this Section limits the District's authority to require a Reduced Pressure Principle Backflow Prevention Assembly or other more protective Backflow Protection for another fire sprinkler system based upon the degree of hazard, system configuration, presence of chemical additives, connection to a secondary water source, or other condition affecting the District's potable water system.

7.3.8. Backflow Prevention Assemblies shall be installed only by a Licensed Master Plumber or by a licensed plumber or Certified Cross-Connection Control Technician who is legally authorized to perform the work and is working directly under the supervision and authority of a Licensed Master Plumber.

Testing of a Backflow Prevention Assembly shall be performed by a Certified Cross-Connection Control Technician holding a current and valid certification recognized under applicable Colorado law.

Double-check type Backflow Prevention Assemblies shall not be permitted on systems containing glycol.

7.3.9. Single Check Valves are not considered approved Backflow Prevention Assemblies or Backflow Prevention Methods and shall not be permitted within the service area of the District.

7.3.10. The District reserves the right to require the installation, repair, replacement, relocation, modification, or upgrading of any Backflow Prevention Assembly or Backflow Prevention Method that the District determines presents or may present a potential hazard to the District's potable water system, does not adequately control an actual or potential cross-connection, or does not comply with these Rules and Regulations, the District's backflow prevention and cross-connection control program, or applicable law.

7.3.11. Valves that are components of a Backflow Prevention Assembly shall not be used as the inlet or outlet valve of the water meter. Test cocks on a Backflow Prevention Assembly shall not be used as supply connections.

7.3.12. All costs associated with Customer-owned Backflow Protection, including the design, installation, maintenance, repair, replacement, relocation, modification, testing, inspection, and correction of Backflow Prevention Assemblies and Backflow Prevention Methods, shall be borne by the Customer unless otherwise expressly agreed by the District in writing.

7.3.13. The District shall have the right of entry, in accordance with Section 1.10, Authority to Inspect, to inspect buildings and premises receiving District water service for actual

or potential cross-connections; conduct cross-connection surveys; and verify the proper installation, maintenance, testing, inspection, repair, replacement, or operation of Backflow Prevention Assemblies and Backflow Prevention Methods.

Customers shall provide the District with records, plans, test results, inspection reports, and other information reasonably required by the District to administer its backflow prevention and cross-connection control program and determine compliance with this Article.

7.3.14. The District shall not permit an uncontrolled cross-connection to the District's potable water distribution system. For purposes of this Article, an "uncontrolled cross-connection" includes a cross-connection that does not have properly installed, maintained, and tested or inspected Backflow Protection adequate to prevent backflow.

If the District identifies an uncontrolled cross-connection, a failed Backflow Prevention Assembly, an inadequate Backflow Prevention Method, or another condition that violates this Article, the Customer shall correct the condition within the time specified by the District. The District may require immediate isolation or disconnection of a cross-connection or other immediate corrective action when the District determines such action is necessary to protect public health or the District's potable water system.

Failure of a Customer, after proper written notice by the District, to cooperate in the installation, maintenance, testing, inspection, repair, replacement, relocation, modification, or correction of required Backflow Protection may result in discontinuation of water service. Where appropriate to control the cross-connection and approved by the District, a service connection may remain in service if the Customer installs an approved air gap or other Backflow Prevention Method.

If water service is discontinued, service shall not be restored until the District determines that the uncontrolled cross-connection or other noncompliant condition has been removed or adequately controlled and all required Backflow Protection has been inspected, tested, and approved as applicable.

In addition to any other remedy authorized by these Rules and Regulations or applicable law, where an uncontrolled cross-connection between a nonpotable or hazardous source and the potable water system poses a significant risk to the District's potable water system or public health, the District may assess a commercial Customer a penalty not to exceed five hundred dollars ($500) per day for each day the condition remains out of compliance after the Customer has been notified of the condition and the time specified by the District for correction has expired.

Nothing in this Section limits any notification, consultation, corrective-action, public-notice, reporting, or other obligation imposed upon the District by the Colorado Primary Drinking Water Regulations or other applicable law.

7.3.15. Any connection, piping, appurtenance, or arrangement used to fill or refill dedicated

storage serving an Outdoor Wildfire Suppression System under Section 5.3.2 is subject to this Article VII, including all applicable requirements for District-approved cross-connection control, Backflow Protection, installation, inspection, testing, and maintenance.

Any arrangement that creates a direct or indirect connection between an Outdoor Wildfire Suppression System and the District's potable water distribution system, permits automatic filling or refilling from the District's potable water distribution system at any time, or permits filling or refilling without the authorization required by Section 5.3.2 constitutes an uncontrolled cross-connection or prohibited connection, as applicable, and may result in enforcement action, including discontinuation of service, as authorized by these Rules and Regulations.

# ARTICLE VIII: RATES AND CHARGES

## 8.1 General

The information contained in this Article is pertinent to all charges of whatever nature to be levied for the provision of water services. The rates and charges as established in Appendix A are in effect at this time, and shall remain in effect until modified by the District Board of Directors under the provisions of these Rules and Regulations, and under the applicable statutes of the State of Colorado. Nothing contained herein shall limit the District from modifying rates and charges, or from modifying any classification.

## 8.2 Application of this Article

The rates, charges, and other information apply to Customers inside the District, and shall not obligate the District with respect to services provided outside the District boundaries.

## 8.3 Standards of Consumption

For the purpose of levying fair, reasonable, uniform, and equitable charges, the classifications and related definitions are as defined in Article II, Definitions. The following additional conditions are used in rate and service charge applications.

## 8.4 Classification of Customers

For the purpose of levying fair, reasonable, uniform, and equitable charges, the classifications and related definitions are as defined in Article II, Definitions. The following additional conditions are used in rate and service charge applications.

### 8.4.1 Prepaid Tap Fees

Tap fees may be paid and tap fee applications issued anytime in advance of connection, in which case the commencement of service charges shall be governed by Section 4.5.2, Turn-On/Turn-Off of Service. No refund of tap fees will be paid.

### 8.4.2 Factors and Usage

The fees and charges reflected in Appendix A for the District, are based upon recovery of cost requirements, factors of usage and physical conditions of plant and line structure.

### 8.4.3 Disputed Tap Application

If a dispute arises between the District and the applicant regarding the calculation of tap fees or the nature and use of the structure as it applies to Appendix A, the dispute will be settled in accordance with Article IX, Hearing and Appeal Procedures.

## 8.5 Transfer of Tap Fees

Any approval of a request for a transfer of a tap or fees shall be in the sole discretion of the District. No tap fee paid on behalf of one property, or any portion thereof, may be transferred to any other property except under the following conditions:

1. The Customer requesting the transfer is the common Customer of the property for which the tap fee has been paid and the property to which the transfer of the tap fee, or portion thereof, is being requested. Both properties must be in the District.

2. The Customer requesting the transfer has no outstanding unpaid accounts with the District and has previously maintained good credit with the District.

3. The property to which the tap fee initially applied has never been connected to the District's system.

4. The Customer requesting the transfer shall pay to the District the difference between the tap fee which would be charged on the date the transfer is requested for the property to which transfer is being sought, and the tap fee previously paid. In no event shall the District make a credit or refund. In the event a Customer transfers only a portion of the total sum previously paid as a tap fee, the Customer shall retain a credit for any non-transferred portion of the previously paid fee.

## 8.6 Service Charge

Service charges shall be as reflected in the Schedule of Fees and Charges, Appendix A. Service charges will begin when water service is turned on to the building.

Monthly service charges shall be suspended during any month(s) in which service through a newly constructed tap to a building prior to its occupancy has been turned off in accordance with Section 4.5.2, Turn-On/Turn-Off of Service.

## 8.7 Amended Tap Fees

In those situations where a prospective Customer applies for a permit for service to a structure or use not defined in Section 8.4, Classification of Customers; or where, in the District's opinion, the structure represents a classification not contemplated in the establishment of the previously defined tap fee, the District shall establish a fair, reasonable, and equitable tap fee for the property.

## 8.8 Amended Service Charges

The Water System Manager may apply Board-approved rates, classifications, and methodologies to determine the charge applicable to a particular Customer or use. If the existing schedule does not reasonably address a proposed use or classification, the Water System Manager may recommend an appropriate rate or classification to the Board. Any new

or increased fee, rate, toll, penalty, or charge shall be established by the Board in accordance with applicable law.

## 8.9 Payment of Service Charges

The policy of the District is to bill water service charges on a monthly basis.

When a condominium or homeowners' association exists for a number of units receiving service from the District, the association shall receive one invoice per meter. The District will not bill individual Customers within a multi-unit project without separate meters, curb stops, shut-off valves, and services lines. The District shall have the right to issue only one bill for a multi-unit structure or development. Any structure serviced by a single service line with more than one Residential Unit which are not separately metered, shall establish one responsible party for water bills.

The Customer shall pay to the District within fifteen (15) days after the billing date the full amount of that statement. If the Customer believes the billing statement is in error, the Customer must file, in writing, a notice to the District of the presumed error, and request a clarification from the District. Upon review by the District and resubmittal and/or revision of the statement, payment shall be due no later than fifteen (15) days from the billing date of the resubmitted statement.

## 8.10 Penalty for Late Payment

Any time a Customer is twenty-five (25) days delinquent in payment of any amount due the District, the District shall assess interest on the unpaid balance at the maximum rate authorized by C.R.S. § 32-1-1006(1)(d), as amended, which as of the adoption of these Rules and Regulations is one percent (1%) per month or fraction thereof.

The District shall have the right, in its discretion, to discontinue water service to a Customer who becomes thirty (30) days or more delinquent in payment of amounts due for water service, subject to any applicable notice requirements and the opportunity for a hearing as provided in Article IX, Hearing and Appeal Procedures.

To the extent authorized by applicable law, the District shall assess to the Customer reasonable legal fees, court costs, disconnection and reconnection costs, and other costs necessary or incidental to collection of a delinquent account.

Any unpaid fee, rate, toll, penalty, or charge shall constitute a perpetual lien on and against the property served to the extent provided by C.R.S. § 32-1-1001(1)(j)(I), as amended. Any such lien may be foreclosed or otherwise enforced in the manner authorized by applicable law.

## 8.11 Foreclosure Proceedings/Attorney's Fees

After such collection efforts as the District deems appropriate, the District may foreclose any lien authorized by C.R.S. 32-1-1001(1)(j)(I), as amended, in the manner provided by applicable law. In the event the District shall commence a foreclosure proceeding to collect any payments due and payable to the District, the party being foreclosed shall be charged all

costs incurred in connection with the foreclosure proceedings including, but not limited to, reasonable attorney's fees and other costs of collection to the extent authorized by applicable law.

In the event payment is made by the Customer prior to the foreclosure sale, the attorney's fees and all other fees outstanding against the account and relating to the subject property, must be paid as a precondition to the resumption of service to the property.

## 8.12 Certification of Delinquent Amounts to County Treasurer

In addition to any other means of collection authorized by these Rules and Regulations or applicable law, the Board may, by resolution adopted at a public meeting held after notice to the affected parties, including the Customer, elect to have delinquent fees, rates, tolls, penalties, charges, or assessments made or levied solely for water services certified to the treasurer of the county in which the affected property is located for collection and payment to the District in the same manner as taxes, in accordance with C.R.S. §§ 32-1-1101(1)(e) and 39-10-107, as amended.

No amount shall be certified under this Section unless it satisfies the eligibility requirements of C.R.S. § 32-1-1101(1)(e), as amended. As of the adoption of these Rules and Regulations, the amount eligible for certification must total at least one hundred fifty dollars ($150) per account and must be at least six (6) months delinquent. If the statutory requirements are subsequently amended, the then-current statutory requirements shall control.

The District shall pay to the County, as required by C.R.S. § 32-1-1101(1)(e), just and reasonable compensation for the extra labor imposed by this collection procedure and the District's proportionate share of the expense of advertising the sale of property for such delinquent amounts, in the amounts certified to the District by the County Treasurer.

The County Treasurer may charge and retain any collection penalty authorized by C.R.S. § 32-1-1101(1)(e), as amended. As of the adoption of these Rules and Regulations, the authorized collection penalty is thirty percent (30%) of the delinquent sum due and owing or thirty dollars ($30), whichever is greater.

# ARTICLE IX: HEARING AND APPEAL PROCEDURES

## 9.1 Application

The hearing and appeal procedures established by this Article shall apply to all complaints concerning the interpretation, application, or enforcement of the Rules and Regulations of the District, and contracts related thereto, as they now exist or may hereafter be amended. Without limiting the foregoing, any suspension, revocation, disconnection of service, or administrative charge or penalty imposed under Articles I, IV, or VIII shall be subject to the hearing and appeal procedures set forth in this Article IX, unless these Rules expressly provide otherwise. The hearing and appeal procedures established by this Article shall not apply to the following complaints:

1. Complaints, which arise with, regard to personnel matters. These complaints shall be governed exclusively by the District's personnel rules.

2. Any other complaint which does not concern the interpretation, application, or enforcement of the Rules and Regulations of the District, or contracts related thereto.

## 9.2 Initial Complaint Resolution

Complaints concerning the interpretation, application, or enforcement of Rules and Regulations of the District must be presented to the Regulations Administrator, or his designated representative. Upon receipt of a complaint, the Regulations Administrator or his representative shall make a full and complete review of the allegations contained in the complaint, and shall take such action and/or make such determination as may be warranted. The complainant shall be notified of the action or determination by mail within twenty (20) days after receipt of the complaint.

## 9.3 Hearing

In the event the decision of the Water System Manager or his representative is deemed unsatisfactory by the complainant, a written request for hearing may be submitted to the Water System Manager within twenty (20) days from the date written notice of the decision was mailed.

If receipt of the request is timely and if all other prerequisites prescribed by these Rules and Regulations have been met, the Water System Manager or an appointed hearing officer shall conduct a hearing at the District's convenience. Every effort will be made to conduct the hearing within twenty (20) days after the receipt of the request. The hearing shall be conducted in accordance with and subject to all pertinent provisions of these Rules and Regulations.

## 9.4 Conduct of Hearing

At the hearing, the Water System Manager or appointed hearing officer shall preside. The complainant and representatives of the District shall be permitted to appear in person, and the complainant may be represented by any person of his choice, including legal counsel.

The complainant or his representatives and the District representatives shall have the right to present evidence and arguments; the right to cross-examine any person; and the right to oppose any testimony or statement that may be relied upon in support of or in opposition to the matter complained. The Water System Manager or hearing officer may receive and consider any evidence, which has probative value commonly, accepted by reasonable and prudent persons in the conduct of their affairs. The Water System Manager or hearing officer may ask questions of any representative in order to clarify further an issue relevant to the complaint.

The Water System Manager or hearing officer shall determine whether clear and convincing grounds exist to alter, amend, defer, or cancel the interpretation, application, and/or enforcement of the Rules and Regulations that are the subject of the complaint. The decision shall be based upon evidence presented at the hearing. The burden of showing that the required grounds exist to alter, amend, defer, or cancel the action shall be upon the complainant.

## 9.5 Findings

Subsequent to the hearing, the Water System Manager or hearing officer shall make written findings and an order disposing of the matter and shall mail the findings and order to the complainant not later than ten (10) days after the date of the hearing.

## 9.6 Appeals to the Board of Directors

In the event the complainant disagrees with the findings and order of the Water System Manager or hearing officer, the complainant may, within twenty (20) days from the date of mailing of the findings and order, file with the District a written request for an appeal to the Board. The request for an appeal shall set forth, with specificity, the facts or exhibits presented at the hearing upon which the complainant relies and shall contain a brief statement of the complainant's reasons for the appeal. In response, the Water System Manager or hearing officer shall compile a written record of the hearing consisting of:

1. Minutes of the hearing;

2. All exhibits or other physical evidence offered and reviewed at the hearing; and

3. A copy of the written findings and order.

The Water System Manager or hearing officer may submit additional written comments that further clarify the hearing findings and order in response to the request for appeal.

The Board shall consider the complainant's written request for appeal and the written record

of the hearing at the next regularly scheduled meeting held not earlier than ten (10) days after the filing of the complainant's request for appeal. Such consideration shall be limited exclusively to a review of the record of the hearing, any written clarifying comments by the Water System Manager or hearing officer, and the complainant's written request for appeal. No further evidence shall be presented by any party to the appeal and there shall not be the right to a hearing de novo before the Board of Directors.

### 9.7 Board's Findings

The Board shall make written findings and issue an Order concerning the disposition of the appeal. A notice of the decision shall be sent by mail to the complainant within ten (10) days after the appeal hearing. The Board of Directors' findings shall be final.

### 9.8 Notice

A complainant shall be given notice of any hearing before the Water System Manager, the hearing officer, or before the Board, by mail at least ten (10) calendar days prior to the date of the hearing, unless the complainant requests or agrees to a hearing in less time, or to a waiver of formal notice. Notice is deemed given when placed in regular, postage prepaid U.S. mail.

# APPENDIX A: SCHEDULE OF FEES AND CHARGES
## EFFECTIVE JUNE 15, 2026

**Note**: All rates and fees are subject to change. Please contact the District at (970) 926-6060 or https://www.lakecreekmetro.org/ for further information.

1. **Residential Usage**

Single Family Equivalent Unit (SFE) for Service Billing:

A single-family equivalent unit (SFE) is any primary dwelling unit up to 3,000 square feet of Residential Floor Area. Residential Floor Area is defined as the gross square-foot measurement of a Residential Unit measured to include the outside walls, unfinished areas, mechanical rooms, and attics and basements over five (5) feet high, but excluding garages that are not finished and furnished for human occupancy, and, in a multi-unit or mixed-use facility, common and circulation spaces. Square footage over 3,000 will result in an incremental increase in monthly service fees. Any secondary dwelling unit up to 1,500 square feet shall be equivalent to one-half (½) SFE. A primary dwelling unit is the first or main dwelling unit on a property and the secondary unit is the second or non-primary dwelling unit on a property.

2. **Water Tap Fee Calculation**

Primary Dwelling Unit:

$10,000 per unit up to 3,000 square feet, plus $2.00 per square foot thereafter; plus $2.00 per square foot for a private swimming pool. Area is calculated on the gross Residential Floor Area, plus unfinished areas, mechanical rooms, and attics and basements over five (5) feet high, but excluding garages that are not finished and furnished for human occupancy, and, in multi-unit or mixed-use facilities, common and circulation spaces.

Customer shall be required to obtain a letter from an Architect or Engineer certifying the size of the building using the District's definition of square footage. The minimum tap fee for any Primary Dwelling Unit is $10,000.

Secondary Dwelling Unit

$5,000 per unit up to 1,500 square feet or $10,000 per unit for all secondary units over 1,500 square feet. A secondary unit is the second dwelling unit (as defined in Section 2.16) on each property.

3. **Water Service Charges**

Water service charges are billed in advance, water overage charges are billed in arrears.

For Metered Accounts:

Tier 1 (Base Fee) – The first 10,000 gallons per month per SFE (Single Family Equivalent residence which is defined as 3,000 square feet of Residential Floor Area) will be billed at

$8.10 per thousand gallons with a minimum charge of $81.00 per account.

Tier 2 – The next 30,000 gallons per month over and above the Tier 1 usage will be charged at a rate of $8.00 per thousand gallons, regardless of the number of SFEs.

Tier 3 – The next 30,000 gallons over and above the combined Tier 1 and Tier 2 usage will be charged at a rate of $15.00 per thousand gallons, regardless of the number of SFEs.

Tier 4 – The next 30,000 gallons over and above the combined Tier 1, Tier 2, and Tier 3 usage will be charged at a rate of $20.00 per thousand gallons, regardless of the number of SFEs.

Tier 5 – All usage above the combined Tier 1, Tier 2, Tier 3, and Tier 4 will be charged at a rate of $30.00 per thousand gallons, regardless of the number of SFEs.

For Unmetered Accounts:

Accounts with broken meters, or unmetered accounts (such as during the construction period) shall be charged the rate of $200.00 per single-family equivalent per month or an amount consistent with historical use, whichever the District deems most appropriate.

4. **Incremental Plant Investment Fee**

An incremental fee to help fund capital projects and building of new or expansion or upgrade of existing drinking water facilities.

**Residential Uses**

The plant investment fee is based on the total Residential Floor Area, as defined in Paragraph 2.27, of new structures on the property, or the square footage of additions to existing structures and is calculated at the following rates:

- Tier 1 – from 0 square feet up to 2,500 square feet will be charged at a rate of $1.96/square foot ($1,350 minimum).
- Tier 2 – from 2,501 square feet up to 3,500 square feet will be charged at a rate of $6.46/square foot.
- Tier 3 – from 3,501 square feet up to 5,000 square feet will be charged at a rate of $7.32/square foot.
- Tier 4 – from 5,001 square feet and above will be charged at a rate of $9.65/square foot.

**Commercial Uses**

Please see the District Administrator for a calculation of the plant investment fee for commercial uses.

# APPENDIX B: WATER SERVICE LINE CONSTRUCTION SPECIFICATIONS

## GENERAL REQUIREMENTS:

1. **Rules & Regulations**

The applicant, Contractor, and Customer are responsible for knowledge and compliance with these provisions of the Rules & Regulations.

These provisions are developed to ensure that the service line extension to the water distribution systems is constructed in a manner not to impact adversely the total system.

2. **Scope**

Service lines are constructed to provide the water link between the District main line distribution or collection system and the privately owned facility. The service line construction is paid for by the developer/Customer. Responsibility for maintenance and repair of water service lines is shared by the Customer and the District.

3. **Criteria**

A separate and independent water service line shall be provided for every separately metered unit within a building. A curbstop shall be located at the property line or edge of easement on all water service lines. At least one water meter shall be installed for each separate building served. Multi-unit buildings may have individual unit curbstops, meters, and shut-off valves or may be serviced by a single curbstop and a master meter.

Accessible valves for emergency water shut-off shall be provided for each unit. The District may authorize an exemption from the above requirements for buildings that are part of a condominium or homeowners' association. In such a case, the District shall bill the association for service charges assessed by the District for water usage in the association. In all cases where individual units are not separately metered, billing shall be to one entity for water service to all units serviced through the same meter or service line, and payment for less than all units shall be considered non-payment, allowing the District to terminate service.

4. **Authorization and Permits**

Prior to service line construction, the District Contractor shall familiarize themselves with the District standards and specifications. The Customer or District Contractor shall obtain approval for the location of the service line and submit a copy of the building permit with information on the number and size of living units in the facility, appropriate sets of site and mechanical plans, and inform the District's personnel of intended schedule for construction. The District, in its sole discretion, has the authority to grant a variance from strict compliance with District specifications in the event of undue hardship, not self-

imposed.

5. **Taps and Tap Fees**

Only District personnel or the District Contractor shall make taps onto the District's water mains.

Tap fees must be paid prior to the connection of any tap.

6. **Unauthorized Taps**

Any change in use, conversion, or creation of additional units or connection of new structure made without payment of a tap fee will be considered an “unauthorized tap.”

The occurrence of an unauthorized tap is subject to a penalty charge, as well as payment of the appropriate tap fee.

7. **Service Charges**

Service charges begin as of the date of turn-on. The Customer shall be responsible for payment of all fees and charges due the District.

8. **Water-Efficient Plumbing Fixtures**

Plumbing fixtures, fixture fittings, and other water-using products installed in connection with District water service shall comply with the then-current Colorado Plumbing Code and all applicable state water- and energy-efficiency requirements, including Title 6, Article 7.5, C.R.S., as amended.

Nothing in this provision prevents the District from adopting or enforcing additional water-conservation requirements within its lawful authority.

9. **Inspections**

The applicant for the water line service permit shall notify the District when the service is ready for inspection and connection to the main. Appointments for inspection and connection should be scheduled twenty-four (24) hours in advance.

All water service lines are to be tested under normal operating pressure.

An open ditch inspection of all service lines shall be conducted by the Water System Manager. No service lines shall be covered without the Water System Manager's approval. Anyone making any installation without such approval shall be required to remove all soil or any other covering over the service line to allow its inspection.

## WATER SERVICE LINES:

1. **Responsibility**

The District is responsible for the maintenance of the water service line, up to and including the curbstop valve or the Customer's property line or edge of easement, whichever is closer to the main. The Customer is responsible for the maintenance of the remaining portion of the service line serving the property. The water meter is the property of the District and the responsibility of the District to maintain.

2. **Service Line Separation**

A ten-foot (10') separation must be maintained between parallel water service lines.

3. **Alignment**

Alignment of the water service line shall be located so as to take the shortest, most direct route, preferably perpendicular from the main to the building. No water service line shall be laid within ten feet (10') parallel to any weight-bearing wall that might be thereby weakened. The water service shall be laid at a uniform grade in a straight alignment.

4. **Curbstop**

The water service line shall have a curbstop control valve located at the property line or edge of easement, or as otherwise approved by the District with easy access to the District. Curbstops shall be in good operating condition at all times. Curbstop valve box tops must be Mueller Buffalo Pattern, accessible at ground surface. Dry ice shall be used when making repairs to a curbstop valve.

5. **Stubout**

When water service lines are stubbed out from the water main to property lines, the stubout shall be valved off and plugged, with a valve box the top of which is installed at the ground surface. A water service line stubout shall be marked by triangulation on individual lot plans. A copy of the lot plan shall be provided to the District for verification within a 48-hour period prior to covering the water service line stubout.

6. **Specifications**

Water service lines shall be constructed with type K copper up to two inches (2"); service lines larger than two inches (2") shall be constructed with ductile iron pipe (DIP). Water service lines shall be buried at least seven feet (7') with two-inch (2") uniform graded bedding and six-inch (6") uniform graded compacted cover. Polybutyl pipe for a Customer's service line will be allowed after a meter pit that is located at the property line.

No District line or line prior to a meter will be installed with polybutyl pipe.

The service line shall be one continuous line with no joints. No splices shall be installed

between the curbstop and the main. No lead-soldered fittings shall be allowed. All copper connections must be compression joints, or silver-soldered joints.

7. **Taps and Inspection**

a. All taps will be made by the District Contractor and inspected by District personnel.

b. The District will record the actual location and depth of water service lines.

c. Under supervision of the District representative, the water service line is to be pressure tested at normal operating pressure from the water main to the building before backfill begins.

d. If there is a required increase in the water tap size due to fire suppression needs for service of a new building, the District Contractor shall remove the previous water corpstop from the mainline and replace and repair the new corpstop. Any such expenses shall be billed to the District Contractor and shall not be billed to the District.

e. Customers are responsible for those expenses occurring and associated with maintenance and repairs on the portion of the service line beyond the curbstop and serving the property.

f. Customers and operators of underground facilities, as those terms are defined by Title 9, Article 1.5, C.R.S., shall comply with all applicable membership, notification, marking, locating, and other requirements of that Article, as now constituted or hereafter amended.

Each District Contractor shall maintain membership in the statewide notification association. All locates of District-owned water lines shall be performed by the District Contractor.

Nothing in this provision expands or limits any exemption, exclusion, or other requirement established by Title 9, Article 1.5, C.R.S.

8. **Pressure Reducing Valves**

An individual pressure-reducing valve (PRV) is required on each water service line and shall be located between the main line and every water meter. The preferred location is adjacent to the required water meter.

9. **Shutoff Valves**

The Contractor will install shutoff valves prior to the PRV and after the spool/water meter to facilitate future repairs.

10. **Backflow Prevention Device**

Backflow Protection shall be installed wherever required by Article VII, Cross-Connection

Control, the District's backflow prevention and cross-connection control program, the Colorado Primary Drinking Water Regulations, the Colorado Plumbing Code, or other applicable law.

Each Backflow Prevention Assembly used to control a cross-connection shall be tested upon installation, after repair or relocation when required by applicable law, and at least annually thereafter by a Certified Cross-Connection Control Technician. Test results shall be submitted to the District in the form and manner required by the District.

Each Backflow Prevention Method used to control a cross-connection, including an air gap or other non-testable method, shall be inspected upon installation and at least annually thereafter by the District or a Certified Cross-Connection Control Technician, as permitted by applicable law.

All required Backflow Prevention Assemblies and Backflow Prevention Methods shall be maintained in proper operating condition. Failed assemblies and inadequate methods shall be repaired, replaced, or otherwise corrected within the period required by the District and applicable law.

## 11. Water Meter and Remotes

Water meters shall be inspected by the District.

The Contractor or Customer will be provided with wire for installation of a touch-read pad. Prior to meter installation and water turn-on, the Customer shall install the wire from the meter location to an appropriate site. Touch-read pad will be located on the front of a building, five feet (5') off ground, in an area where snow is normally removed and with minimal vegetation. The maximum remote distance from the meter shall be five hundred feet (500').

All meters must be bronze bodied, Sensus SRII, with touch-read pad. A Sensus Meter Transceiver Unit and MXU Mounting Bracket must be attached to the meter to provide for automated meter reading capability. When a meter, transceiver unit and mounting bracket are purchased from the District, the Contractor or Customer will perform an installation in a horizontal position. All meter installations must be in a freeze-proof, convenient, and easily accessible area. If the meter is located in a crawl space, the meter shall be located within three (3') feet of the access entry. Variances will be considered on a case-by-case basis from the District prior to the installation of the meter.

The Contractor is responsible for protecting the meter from freezing or other physical damage during construction. After completion of the construction and acceptance by the Customer, the Customer is responsible for protecting the meter from freezing, from damage due to high water pressure (i.e., PRV), and other physical damage.

Water will remain turned off at the curbstop until the water meter is installed, inspected and approved, and all tap fees are paid in full. All water is to be metered, including construction water.

12. **Outdoor Wildfire Suppression System Storage Fill Assembly**

Where the District approves a connection to fill or refill dedicated storage serving an Outdoor Wildfire Suppression System (Section 5.3.2):

a. The fill connection shall be metered as required by the District.

b. The fill connection shall incorporate District-approved cross-connection control and Backflow Protection, including an approved Backflow Prevention Assembly, air gap, or other physical separation as required by the District, and shall be installed or configured to permit District inspection and, where applicable, testing in accordance with Article VII (Cross-Connection Control).

c. The fill connection shall include a District-approved flow-control device (and related appurtenances) sized and installed to enforce the authorized maximum fill rate under Section 5.3.2.

d. The configuration shall be installed in a manner that does not permit automatic filling or refilling from the District's potable water distribution system at any time and does not create a direct or indirect connection between the District's potable distribution system and the Outdoor Wildfire Suppression System.

e. District approval of the fill connection does not constitute authorization to conduct any particular fill or refill. Each fill or refill using District potable water requires separate District authorization in accordance with Section 5.3.2.

13. **Water Turn-On**

Water service is turned on and billing begins when the meter is installed.

Water turn-on will be made by District personnel only. Any water service turned on by other than authorized personnel shall be considered illegal system tampering and subject to fees and penalties.

14. **Meter Pits**

Meter pits shall be adequately sized to contain the meter assembly and allow maintenance to the assembly. Meter pits shall be installed at the property line or the edge of easement, on the service side of the curb stop valve. **Meter pits on all new construction must be inspected at the same time that the water tap is performed**.

a. **All Meters**: Will be required to be installed in a concrete manhole meter pit.

b. **Mueller/Hunt Thermal Coil Meter Box:** Recommended installation for ¾" and 1" meter applications.

c. **Meters 1½" or Larger**: Will be required to be installed in a concrete manhole meter pit.

d. **Manhole Bases**: Precast concrete, ASTM C478, Armorcast 48" x 84" Deep Vault System or District approved equivalent.

e. **Manhole Sections**: ASTM C478. Precast concrete (wetcast) with the lip outside, low end down, Armorcast 48" x 84" Deep Vault System or District approved equivalent. Concrete cones shall be eccentric.

f. **Manhole Rings and Covers**: (For ROW installations) Cast iron, ASTM A48 with a flat lid with the lettering "WATER" cast on the cover. Ring and cover combined weight is to be greater than 255 pounds and machined to fit securely with a non-rocking cover. Waffle pattern hot dipped in asphalt. HS-20 traffic loading. D&L A1043 or accepted equal.

g. **Manhole Steps**: (Concrete Only) Two non-skid grooves in surface of step and capable of carrying load of 1,000 pounds, six inches (6") from face of manhole. The steps shall meet industry standards or equal and be plastic coated.

h. **Manhole Joint Sealant**: Double Rub-R-Neck with primer. One inch (1") on 48-inch diameter manholes; 1-1/2 inch on all larger sizes.

# APPENDIX C: STANDARD SPECIFICATIONS FOR WATER LINE CONSTRUCTION

(A copy may be obtained from the District office upon request.)