

ICE FOUNTAIN® WATER DISTRICT
RULES AND REGULATIONS FOR THE SUPPLY AND USE OF WATER
TO THE PUBLIC
revised July 20, 2010

TABLE OF CONTENTS

Section 1: Introduction: Application of these Rules And Regulations	Page 3
Section 2: Definitions	Page 3
Section 3: Application for Service	Page 4
Section 4: Service Connection Charge	Page 4
Section 5: Fire Hydrants	Page 5
Section 6: Change of Occupancy	Page 5
Section 7: Individual Arrangements	Page 5
Section 8: Service Meters	Page 6
Section 9: Payment and non-Payment of Bills	Page 6
Section 10: Termination of Service by District	Page 7
Section 11: Standby	Page 8
Section 12: Voluntary Termination of Service by Customer	Page 8
Section 13: Responsibility and Service Preference	Page 8
Section 14: Temporary Suspension of Service	Page 9
Section 15: District's Right to Restrict Service	Page 10
Section 16: Water Use	Page 10

Section 17: No Irrigation	Page 10
Section 18: Main Extension	Page 10
Section 19: Meters	Page 11
Section 20: Service Line Connections by District	Page 13
Section 21: Customer Lines	Page 13
Section 22: Inspection	Page 14
Section 23: Outside Users	Page 14
Section 24: Suspension of Rules	Page 14
Section 25: Amendments–Special Rules-Contracts	Page 15
Section 26: Complaints and Special Requests	Page 15
Section 27: Adjustment Due to Water Leaks	Page 15
Section 28: Constitutionality, Saving Clause	Page 16

SECTION 1: Introduction; Application of These Rules and Regulations

Ice Fountain Water District is a domestic water supply district formed under chapter 264 of the Oregon Revised Statutes. These Rules and Regulations apply to all real property within the Ice Fountain Water District, and to all users of water being supplied by the District. They may be amended from time to time by the Board of Directors. In addition to these rules there may be additional restrictions established during a water emergency as declared by the District.

The water system is the property of the people of the District, and is managed and operated by a publically elected Board of Directors who serves without pay.

The first priority of the District is to provide inhabitants of the District with water for domestic purposes. The District may supply, furnish and sell for any use, surplus water not required to serve the domestic needs of District inhabitants.

All transactions concerning water service shall be made through the District office. Before service will be connected, a proper application must be completed and submitted to the District.

You, as water users, are partners in this venture. Help your Directors to make it successful.

SECTION 2: Definitions

“Customer Line” is the pipe, valves, and fittings leading from the meter into the premises served.

“Premises” is the real property to which the District is providing a water service.

“Service Line” is the pipe, valves, and fittings leading from the main to and including the meter and meter box.

“Water Main” or “Main” is the pipe, laid in the street, road, easement, or other access for the distribution of water to the customers through service lines.

“Unpaid Charges” include incurred by unpaid monthly usage fees, and any delinquent charges, or other fees, fines or penalties.

SECTION 3: Application for Service

Prior to obtaining water service for a particular location, a property owner must complete and sign the District's Water Service Application and pay the appropriate service connection charge. The standard form Application is maintained at the District office and must be turned into that office.

The Application shall set forth:

1. Name and signature of the property owner applicant;
2. Location of Premises;
3. Address to which bills shall be mailed; and
4. Such other information as the District may require determining which rate shall apply.

The Application is merely a written request for service and does not bind the District to serve.

Any customer desiring a change in the size, location(s), or number of services shall fill out a new Application. An applicant who is or has been a customer of the District at some other premises than those specified in the current Application, and who still owes the District for unpaid bills for material, labor or water will be required to pay all outstanding amounts prior to being approved for a new or changed service.

Upon approval of the Application and payment of the required fees and charges, including Unpaid Charges incurred with respect to that service location, the District will install or connect the approved service meter(s). Then water may be used in accordance with the District's rules and regulations and the most recent water service Application for that location.

SECTION 4: Service Connection Charge

At the time the applicant files for a water service, a service connection charge will be made. The service connection charge is set by the District's Board of Directors.

If the District determines a Main Line extension or upgrade is necessary to service the premises, there also will be a charge for that extension or upgrade or a requirement that the applicant have the extension or upgrade performed prior to the new service operating.

All service connection charges including charges for extensions or upgrades must be paid in advance. If the service location has any Unpaid Charges, those too must be paid prior to the operation of the new service.

SECTION 5: Fire Hydrants

Standard fire hydrants for individual customers may be allowed by the District to be installed under certain circumstances. A fire hydrant must be:

- 1) preapproved by the West Side Rural Fire Department and the District's Board of Directors;
- 2) installed and used for fire protection only; and
- 3) installed on a six (6) inch or larger water line.

SECTION 6: Change of Occupancy

The District will charge a one-time Change of Occupancy Fee any time an existing service is changed to a new user. This includes, but is not limited to, change of renters or change of property owners. Prior to providing water to the new users at the Premises, all Unpaid Charges for water being served at that location must be paid; and if the new user has any Unpaid Charges from another location served by the District, those Unpaid Charges must first be paid.

SECTION 7: Individual Arrangements

At times there may be a need for the District to enter into special arrangements to provide service to certain Premises. The District reserves the right to make Individual Arrangements in particular situations. These Individual Arrangements may have provisions and conditions that are different from or are exceptions to the regular rules, regulations and charges. Before being effective, the Individual Arrangements must be in writing, signed by the customer and approved by the Board.

For example, when a customer's requirements for water are unusually large, unusual, or necessitate considerable special or reserve equipment or capacity, the District may require a contract for an extended period and may also require the customer to furnish security satisfactory to the District to protect the District against loss and to guarantee the performance of the provisions of the contract.

When water is desired for the filling of a swimming pool or a tank or for use in other abnormally large quantities, arrangements must be made with the District prior to the taking of such water. Permission to take water in such large quantities will be given only if the water can be safely delivered through the District's facilities and if an adequate supply can be at the same time delivered to other customers.

SECTION 8: Service Meters

Service meters remain the property of the District at all times. Interfering with the functioning of the meter or damaging the meter is strictly prohibited.

Each residence or customer on property of separate ownership shall have a separate meter.

When a tract of land with two or more houses or commercial users has been divided, a regular hook-up charge, with a separate meter, must be obtained at once to serve the separate property. The responsibility of applying for a new service shall be upon the seller or party dividing the property. A shower house or temporary housing for seasonal workers, where water is furnished only to an exterior standpipe, and the housing does not have inside plumbing, shall not be considered as a residence subject to added minimum charges in billing to the owner. In such cases the owner will be billed the minimum for the size meter or service, and for the excess water used. If use warrants, the District may increase the size of service to such customers, at the customer's expense.

The owner of a single parcel of property may apply for and receive only a single service line through a single meter. Non-conforming users whose historical use predated this rule, are required to make a Special Arrangement with the District; or, at its option, the District may divide the service to such property.

Where two or more residences on properties of separate or same ownership are presently served by a single service line or through a single meter, such services may be divided and separately metered. The separation will be subject to a new Application and to new service hook up fees.

SECTION 9: Payment and Non-Payment of Bills

Water bills are sent every two months and due and payable thirty (30) days from the date the statement is mailed. If not paid within that time, the bill is considered Delinquent.

Owners and occupants of served property are joint and severally responsible for payment of the water bills and any other Unpaid Charges. In the event that a tenant, lessee, co-owner or other possessor of the served property obtains water service from the District and fails to pay in full for the service, the owner shall be responsible for paying the Unpaid Charges regardless of who incurred the charges. The District shall provide notice to the owner or his or her agent, and to the tenant, lessee, co-owner or other possessor of the property, by mailing a delinquency notice to the last mailing

address that the tenant, lessee, co-owner or other possessor of the subject property has on file with the District, by first class mail.

If a water bill is delinquent or a tenant, lessee, co-owner or other possessor of the served property vacates the premises without satisfying his or her water service debt and the owner or his or her agent does not satisfy the debt, the served property shall be considered to be noncompliant with District regulations. If the served property does not come into compliance after five days notice to comply with the regulations, the District may refuse to supply the served property water and may deny service to subsequent occupants. The rights and remedies of the District are nonexclusive, may be cumulative, and are in addition to any other rights or remedies provided by law or under District regulations.

Until a water service is terminated, the monthly charges for service shall continue to accrue, even if water service is shut off due to nonpayment.

All accrued and unpaid charges shall accrue interest at the then applicable statutory interest rate until paid.

SECTION 10: Termination of Service by District

Failure to comply with these Rule and Regulations may result in the offending party's water service being temporarily turned off or terminated.

In the case of termination by the District for non-payment, water service may be terminated to customers having Unpaid Charges, if in the judgment of the Board of the District such action is necessary to enforce collection. At least ten (10) days after an account becomes Delinquent, a turnoff notice will be sent to the customer. Said notice will state a date on which water will be turned off if the Delinquent account and all Unpaid Charges are not paid in full prior to that date.

In all instances where water has been turned off because Unpaid Charges remain outstanding, a Reconnect Fee will be charged for service to be restored. Prior to having the service restored the Unpaid Charges and Reconnect Fee must be paid in full.

If a water service that has been terminated or turned off by the District is turned back on without authority of the District, the Service will be discontinued and it will not be reconnected until all charges are paid in full, together with an additional Unauthorized Connection – Disconnect Fee and any material or labor costs associated with the unauthorized use.

In cases of hardship, the Board shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

All delinquent water charges and all other Unpaid Charges shall be a lien upon the real property served by the water service to which the delinquency pertains. Enforcement of the lien may be commenced at any time after said Unpaid Charges are delinquent for twenty (20) days. The method of enforcement shall be a claim for relief following the procedures for foreclosure of a mortgage.

SECTION 11: Standby

If a customer wishes to put their service on standby, the meter will be read, shutoff and billed on the date requested by the customer in writing. To receive the Standby rate, the service must be shut off for a minimum of thirty (30) days. The service will be billed at the standby rate until the customer requests that the service be turned back on. However if water is used from a standby service, the service becomes in violation with this regulation and will be billed for all water that has been used from the time the service went on standby plus the minimum charge based on the size of the service connection.

When the service is to be shut off or reconnected, only District personnel may operate the shutoff valve.

SECTION 12: Voluntary Termination of Service by Customer

Water service may be terminated by a customer upon written notification to the District at least three business (3) days prior to the last day of service. At the time specified by the customer for terminating the service, the meter will be read and a bill rendered. Payment of that bill is due immediately. In no case will the charge be less than the monthly minimum provided for in the schedule applying to the size of service furnished. Voluntary termination does not abate, reduce or remove any Unpaid Charges with respect to the service location, which must be paid prior to approval of a subsequent water service Application for that property.

SECTION 13: Responsibility and Service Preference

The District shall not be liable for any loss or damage of any nature whatsoever, caused by any defect in the Customer's Line, plumbing, or equipment; and the District may, without further notice, discontinue service to any customer when a defective condition of plumbing or equipment upon the premises of the customer results, or is likely to result, in interference with proper service, or is likely to cause contamination of water. The District does not assume the duty of inspecting the Customer's Line, plumbing and equipment, shall not be responsible therefore and will not be liable for failure of the customer to receive service on account of defective plumbing or apparatus on the Premises.

All plumbing within the Premises served by the District shall be so installed and all plumbing fixtures so constructed as to prevent pollution of water supply by back siphon-age or cross-connections. Water service to any Premises known or found to have such defects and hazards may be disconnected without notice and not restored until the District is satisfied that the user has eliminated such defects or hazards.

District personnel exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of potable water to customers of the District, and to avoid any shortage or interruption of delivery of the water. The District is not liable for high or low-pressure conditions, chemical or bacteriological conditions, interruption, shortage or insufficiency of water supply or any loss or damage occurred thereby. The use of water by the customer is at the risk of the customer, and the responsibility of the District ceases at the point of delivery of water. Unless otherwise specified by Special Arrangement or written agreement, the point of delivery is the point where the District's Service Line attaches to the Customer's Line at the meter.

The District may at its option install pressure reducing valves which, if done, will be done at the expense of the District, and for the purposes of reducing pressures from the distribution mains only in order to protect the District's water meter. The installation of the pressure reducing valve is not designed nor intended to protect property beyond the meter to the Customer's Line, and if any property of the customer after water passes through the meter is subject to damage by reason of water pressure or changes thereof the loss or damage that may result to the customer's property will be at the sole and exclusive expense of the customer and shall not be a responsibility of the District. Failure of District control valves or devices will not in any way indicate negligence by the District or responsibility for damages caused there from.

Customer may install in Customer's Line any additional pressure reducing valves, pressure relief valves, check valves, pop-off valves, or other control valves as the customer may deem necessary to protect the Customer's Line and fixtures from abnormal high or low pressures or from the interruption of service.

Where pumping is required to serve a customer at too high an elevation to be served by gravity, the District may, at its option, require the customer to provide a suitable pump as a condition of service. The installation shall be subject to approval by the Manager. Maintenance of the pump and cost of energy shall be the customer's responsibility.

SECTION 14: Temporary Suspension of Service

At times it may be necessary for the District to temporarily suspend the delivery of water. Usually it is for the purpose of making repairs or improvements to the system. In all such cases where practicable, reasonable notice of the temporary water

suspension will be given publicized, and such repairs or improvements will be prosecuted as rapidly as may be practicable, and if practicable, at such times as will cause the least inconvenience to District customers.

SECTION 15: District's Right to Restrict Service

In case of shortage of supply for any reason including drought or water emergency, the District reserves the right to restrict water use or give preference in the matter of furnishing service to customers and interests of the District. In such circumstances public convenience and necessity will be considered.

SECTION 16: Water Use

Water will be furnished for ordinary domestic, business or food processing purposes and fire protection. Customers shall not use water for lawn irrigation and gardening. If the Premises or customer requires or requests more flow for fire protection or any other use than what the District is capable of supplying, then the user shall be solely responsible for providing the additional non-District water to the Premises at his or her own expense.

Water service may be shut off by the District if the District staff determines that the water is being allowed to run or waste either through negligence, neglect, intentional purposes or otherwise, including defective plumbing. In addition, water service may be shut off where the customer has not taken action to prevent freezing.

SECTION 17: No Irrigation

Use of the District's water for irrigation purposes is strictly prohibited. The District does not supply irrigation water. There will be no adjustment on a customer's bill for a leak in an irrigation system or for water being used to irrigate.

SECTION 18: Main Extension

The policy for a line extension is as follows:

1. The entire cost of the line extension shall be the responsibility of the applicant. Such expenses may include the line material, trenching, excavating, road crossings, installation, valves, taps and other matter related to the installation of said line.
2. The line shall be of such size and material as is specified by the District taking into consideration the requirements of the State of Oregon.

3. Line extensions shall be placed on easements obtained from the property owners across whose property the line will extend.
4. The line shall be installed by or under the supervision of the District and shall be installed to such specifications as are required by the District.
5. The line after installation and acceptance shall become the sole property of the District and the District shall have the duty of maintain said line.
6. All connections to the line shall be made only on the authorization of the Board and any new connection shall be charged the applicable new connection fee.
7. Prior to the commencement of construction of the water line extension, the estimated project cost must be paid within thirty (30) days. If the project cost is less than estimate, the balance will be immediately refunded to the applicant.
8. Applicant must file an Application for Water Service and pay a fee as stated above for each new service connection plus must file an application for water extension on the form provided by the District.
9. Applicant must extend the water line across the entire frontage of the property of applicant as said property runs along the public right-of-way adjacent to which the line is to be installed.
10. Reimbursement of the applicant's cost of the line extension shall be allowed within the cost divided evenly between the two sides of the right-of-way. In other words, each side of the road would pay one-half of the actual cost of installation plus six percent (6%) interest from the date of the installation to the date that a new connection is made. The reimbursement will be based on a per footage cost applying all of the costs of the line to the total footage and each user benefiting there from will pay his pro-rata share.
11. District may connect to the line without reimbursement any persons who are presently District users for their specific use as exists at the time. Any new user will have to pay a reimbursement plus the District's connection fee as provided above.
12. Reimbursement is limited to a period of ten (10) years from the date that the extension is made.
13. No reimbursement will be required for any party who makes a further line extension from the end of the existing line. That applicant must make his extension under the same terms and conditions but will not be required to pay the prior extenders.
14. The Board may change this policy at any time, but any such changes shall not affect the line extensions that have been made prior to the date of the change.

SECTION 19: Meters

The District will own, install and maintain all necessary meters for measuring the water used by the customer and from time to time will inspect and test such meters.

Customers shall install a gate valve and a check valve in the customer line, immediately adjacent to the meter to enable the customer line to be isolated from the meter, and to

prevent back flow of any water from the customer line into the District's service line. It shall be a violation of these Rules and

Regulations for the customer to operate or cause unauthorized operation of the meter stop or any other apparatus on the service connection.

Installation of water meters shall be performed only by authorized employees of the District. All meters shall be sealed by the District's employee at the time of installation, and no seal shall be altered or broken except by one of the District's authorized employees.

Applicant may request and receive any size meter regularly stocked or furnished by the District provided the meter is of satisfactory size, as determined by the District Manager. The District reserves the right to determine the type of meter to be installed.

If, for any reason, a change in size of meter and service is required or requested, the installation will be accomplished on the basis of a new connection, prior to which the customer shall have submitted a new Application.. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

The District will keep an accurate account of its books of the readings of the meters, and such account, so kept shall be offered at all times as evidence of the use of water service by the customers, and shall be the basis on which all bills are calculated.

Should any meter fail to register correctly the use of that part of the water service which said meter should properly register, said service shall be estimated by the District from a corresponding period.

The District will, upon written request, test any customer's meter, and where circumstances require, adjust for wrong charges for a period not to exceed one-half year previous. A meter test charge, payable as an advance deposit, must be made by the customer for the meter test, said amount to be refunded to the customer if the meter is found to register five percent (5%) or more in excess of the actual use.

If, upon comparison of past water usage, it appears that a meter is not registering properly, the District may, at its option, test the meter and adjust the charges accordingly if the meter either over-registers or under-registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

In the case of a non-registering meter, the District will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

All meters will be tested before installation, and no meter will be placed in service or allowed to remain in service, which is known to have error in registration in excess of two percent (2%) under conditions of normal operation.

Once every two (2) months the meter will be read to the nearest 1,000 gallons, and the customers will be billed on that basis.

In the event that it shall be impossible or impractical to read a meter on the regular reading date, the user shall be billed the minimum base charge, which includes the six (6) thousand gallons usage.

The location of the meter or meters used in measuring the customer's use of water must be in a place satisfactory to the District's representative before service water will be supplied. The meter will be placed within ten (10) feet of the water main. The meter will be installed outside of buildings, except where it is not otherwise possible to do so. Meters may not be installed in driveways or other locations where damage to the meter or its related parts may occur.

No rent or other charge whatsoever shall be made by the customer against the District for placing or maintaining meters upon the customer's premises.

If a meter under-registers the amount of water used, due to tampering with the meter, and/or the water lines, or in any other way causing under-registration, the water service may be discontinued, and will not be reconnected until the customer has made adjustment for the loss of revenue and damage to equipment and given satisfactory assurance that there will be no more tampering to cause under-registration.

SECTION 20: Service Line Connections by District

No connections may be made, or alterations or work may be performed on the District's lines without the express authorization of District management. The District shall also install a meter and wing meter stop and same shall remain the property of the District.

Each property owners shall keep the District meter(s) on his or her property clear of obstructions so as to allow unrestricted access to the meter(s).

SECTION 21: Customer Lines

Customer Lines shall be of good quality and must be installed in accordance with good engineering practice and applicable codes. They must be maintained in good order by the property owner. Likewise, repair, installation, decommissioning and maintenance of all Customer Lines, valves and related equipment on the property owner's side of the

water meter are the sole responsibility of the property owner. The size of Customer Line(s) shall not be less than ¾ inch ID galvanized iron or ¾ inch ID copper tubing for the first ten feet. Water lines must be laid not less than thirty (30) inches deep and all stand pipes or fittings of any kind must be so located, anchored, and installed so as not to interfere with or endanger the meter. All Customer Lines should be well protected from freezing.

The customer will be held responsible for any losses occurring on the customer's side of the meter whether those losses are from leaks, freezing or otherwise, and the customer is responsible for all repairs on his/her own line.

SECTION 22: Inspection

Agents of the District, under the direction of the Manager, shall have access, upon reasonable notice and at all reasonable hours of the day to any and all parts of structure and premises in which water is or may be delivered for the purpose of inspecting the customer's line, plumbing, and equipment and any other functions permitted by law, including administrative regulations. Refusal to allow such access is grounds for shutting off the water until access is permitted.

The District will refuse or discontinue service to any premises where the District manager determines there is fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the District that the condition or conditions exist.

SECTION 23: Outside Users

Main Lines and Service Lines laid outside the District must be installed at the customer's expense (including labor and material), and shall only be permitted under Special Arrangement. Water service to users outside the District are subordinate and subject to the superior rights of the people of the District.

All regulations now and hereafter in effect for users inside the District, except where modified by written agreement, apply to users outside the District.

SECTION 24: Suspension of Rules

Without Board approval, the manager is not authorized to suspend any of the foregoing rules and provisions, nor are any of the other employees of the Water District, except in cases of emergency involving loss of life or property which would place the water system operation in jeopardy.

SECTION 25: Amendments – Special Rules – Contracts

The Board has the power, at any time, to amend, change or modify any rule, rate or charge and to make rates.

SECTION 26: Complaints and Special Requests

All complaints and special requests for service and all other matters upon which action by the District is requested or sought shall be presented to the District in writing. No oral request or complaint will receive consideration.

SECTION 27: Adjustment Due to Water Leaks

The Board may adjust a customer's water bill. The Board retains complete discretion over whether to grant an adjustment and over the amount of the adjustment; however, the following factors shall apply to the grant of any adjustment:

1. No adjustment should exceed 75% of the excess water usage.
2. No adjustment should be made unless the customer repairs the problem causing the excessive water use within 96 hours is personally notified of or actually becomes aware of the excessive water use, or within seven (7) days of the date upon which notification is mailed to the customer's address by the District, whichever date or time first occurs.
3. No adjustment shall exceed 75% of the excess of the water usage unless, by a unanimous vote of the Board members present, the Board finds that a special financial hardship of the customer, or other factors, support awarding an adjustment of more than 75% of the excess water usage.
4. In the event that the Board members present at the meeting unanimously agree that a customer should receive an adjustment to the customer's bill in excess of 75% of the excess water usage, the Board shall make specific findings, on the record, to support its decision and to support the amount of the adjustment.

SECTION 28: Constitutionality, Saving Clause

If in any clause, sentence, paragraph, section or portion of these Rules and Regulations for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of these regulations, but shall be confined in its operation of the clause, sentence, paragraph, section, or portion of this code directly involved in the controversy in which the judgment is rendered.

Adopted By
The Board of Directors
July 20, 2010

BOARD MEMBERS
Gene Baskins
Terry Benton
Don Decker, Chairman
Brad Fowler
Gail Hagee

STAFF
Mark Beam, Manager
Heath Stintzi, Water Technician
Holly Glaze, Secretary/Bookkeeper

LEGAL ADVISOR
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