

# **CONSOLIDATED IRRIGATION DISTRICT No. 19**

## **AMENDED BYLAWS, RULES & REGULATIONS**

**JUNE 13, 2012**

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## **Section 1 Authority and Organization of the District**

[A] Consolidated Irrigation District No. 19 is a quasi-municipal corporation, organized pursuant to Title 87, Laws of the State of Washington, pertaining to the organization and operation of irrigation districts. The District and its Board of Directors are given the authority and power, as set forth in said Title 87, to adopt Bylaws, Rules, and Regulations for the government and management of the District and its water supply and distribution system.

[B] The District is not privately owned or operated for profit, but is owned and operated by the landowners of the District for their mutual benefit. Consistent therewith, it is necessary and desirable that certain rules and regulations be adopted, and it is to the best interests of all landowners that these rules and regulations be observed and enforced in order to make possible the most efficient and economical water service.

[C] These Bylaws, Rules, and Regulations shall take effect forthwith upon adoption and they shall be printed thereafter in convenient form so as to be available for inspection and for distribution to those customers requesting same. A copy thereof at all times shall be on file at the District Office.

## **Section 2 Amendments**

[A] These Bylaws, Rules, and Regulations, as herein adopted, and as hereafter amended, shall govern the management of the District and its affairs and the operation of its water supply and distribution system.

[B] The Board of Directors of the District has authority to repeal, modify, and add to these Bylaws, Rules and Regulations, at any regularly or properly called special meeting of the Board. Any such amendment, addition, or deletion shall be effective forthwith upon adoption by the Board of Directors and shall supersede previously circulated copies of the Bylaws, Rules, and Regulations. Further, the copy of the Bylaws, Rules, and Regulations on file in the District Office shall be the official copy. The District assumes no responsibility for circulating the most recent copy of the Bylaws, Rules, and Regulations to any of its customers.

### **Section 3 Objectives of the District**

[A] Consolidated Irrigation District No. 19, in addition to its statutory duties, exists primarily to deliver municipal, domestic, industrial, commercial, and irrigation water to the water users of the District in an efficient manner at the lowest possible cost consistent with good management practices.

[B] The District shall promote the wise and efficient use of all available water, realizing that water is one of the most important resources we have.

[C] The District must be continually alert to the technical advances and changes in operation and maintenance procedures and incorporate them wherever practical.

[D] The District shall maintain a sound fiscal policy with reserves available for unforeseen circumstances and emergencies.

## **Section 4 Board of Directors**

[A] The District, as provided in RCW 87.03.080, shall have five Directors. Each Director's term of office shall be for three years, commencing on the first Tuesday of January following his or her election. Directors shall be elected as provided in Title 87 of the Revised Code of the State of Washington. Each Director must qualify as an elector (See Section 6 of these Bylaws) of the Director Division for which he or she files for office. There shall be Five (5) Director Divisions divided as follows:

Division 1: The area lying west of Barker Road between the Spokane River and Broadway Avenue and the area lying west of Long Road south of Broadway Avenue.

Division 2: The area lying east of Barker Road between the Spokane River and Broadway Avenue and the area lying east of Long Road south of Broadway Avenue.

Division 3: The area lying west of Lynden Road and north of Wellesley Avenue and the area lying west of Arden Road between Wellesley Avenue and the Spokane River.

Division 4: The area lying north of Wellesley Avenue between Lynden Road and Malvern Road and the area south of Wellesley Avenue and north of the Spokane River between Harvard Road and Simpson Road.

Division 5: The area north of Wellesley Avenue east of Malvern Road and the area south of Wellesley Avenue east of Simpson Road.

The Director representing a Director Division need not reside in such Director Division but shall be the owner of lands within said Director Division and shall reside closer to that Division than to any other Director Division (see RCW 87.04.010).

[B] Each candidate for election to the position of Director must be nominated by petition signed by at least 10 qualified electors of the Director Division for which the candidate is filing. The nominating petition must be filed with the District Secretary not later than five o'clock P.M.

on the first Monday in November. The election shall be held on the second Tuesday of each December; provided, however, that if only one candidate is nominated for a Director position, no election shall be held for that Director Division but said candidate shall be declared elected to the Board of Directors.

[C] The Directors shall organize as a Board at the Board Meeting held in January of each year and shall elect a President and Vice- President from their number and appoint a Secretary and such other officers as they deem necessary and appropriate to serve during the ensuing year. Compensation for meeting attendance and travel and other services in behalf of the District shall also be determined at the January meeting.

[D] Regular monthly meetings of the District's Board of Directors shall be held at the District Office, N. 120 Greenacres Road, Greenacres, Washington, on the second Wednesday of each month at 7:30 P.M., excepting therefrom the month of December during which the regular meeting shall be held on the first Monday after the second Tuesday. Any of the said meetings may be adjourned from time to time as may be required for the proper transaction of business. Special meetings of the Board may be called and held pursuant to the provision of Chapter 250, Laws of 1971, Extraordinary Session, subject to notice thereof being given to press, radio and television if required under the provisions of RCW 42.32.010. All meetings of the Directors shall be public unless permitted to be executive meetings under provisions of Chapter 250, Laws of 1971, Extraordinary Session. A majority of the Directors shall constitute a quorum for the transaction of business and in all matters requiring action by the Board there shall be a concurrence of at least a majority of the Directors.

[E] Not later than at its October meeting of each year, the Board shall review its estimated income and expenses for the next calendar year and shall adopt a budget prepared by the District Manager for income, expenses, and capital improvements for such year and shall

determine the assessments to be made against the lands, including the irrigation charges on an acreage basis, the domestic water charge on a connection basis, and the commercial and industrial charges on a monthly minimum charge and usage basis.

[F] The Assessments and Rates as thus determined by the Board shall be equalized by the District's Directors, sitting as a Board of Equalization in accordance with the provisions of RCW 87.03.255. Said equalization meeting, unless otherwise set by the Board, shall be held on the 1st Monday following the 2nd Tuesday of each December at 7:30 P.M. at the District Office. Once assessments are equalized and the charges fixed they are no longer subject to refunds or adjustments. The Spokane County Treasurer is the ex officio Treasurer for this District and all yearly assessments are billed and collected by the County Treasurer. Assessment collection, delinquency charges, and lien procedures are according to Washington State Law.

[G] The Board of Directors shall execute all necessary contracts effecting salaries, wages, and other employee benefits pursuant to the laws of the State of Washington and the laws of the United States of America.

## **Section 5 Voting Rights of Landowners**

Voting for the election of Directors or on other matters submitted for election for the conduct of the affairs of the District shall be in accordance with the provisions of RCW 87.03.051 and 87.03.071, and any other applicable statute, as the same now exist or are hereafter amended. Under existing statutory provisions, a District elector shall be a person who is at least 18 years of age, a citizen of the United States, and a resident of the State of Washington who holds title or evidence of title to land in the District. A District elector shall be considered an elector of the Director Division in which he holds title to or evidence of title to land. An elector holding

title to or evidence of title to land in more than one Director Division shall be considered an elector of the Director Division nearest his place of residence.

## **Section 6    Office of District**

The Office of the District and the regular meeting place of the Board is hereby established as the District's Office Building, N. 120 Greenacres Road, Greenacres, Washington. The Office shall be open from 8:00 A.M. to 5:00 P.M., Monday through Friday of each week excluding holidays.

## **Section 7    District Secretary**

[A] The Secretary shall take and subscribe a written oath of office at the January Board Meeting.

[B] The Secretary shall issue all calls for Board Meetings, prepare the agenda for the Board Meetings, record and maintain minutes of all of the meetings of the Board, issue necessary notices of elections and supervise the conduct of elections. The Secretary each year shall supervise the preparation of the Assessment Roll, deliver said Roll to the Board, give notice of the Meeting of Equalization of said Roll and deliver the Roll after Equalization to the Spokane County Treasurer, within the time limitations established by statute. The Secretary may collect moneys due the District, payable at the District Office receipting therefore and depositing said moneys to the proper account with the Spokane County Treasurer, who is the ex officio Treasurer of the District. The Secretary shall prepare each month, for presentation to the Board, a statement concerning the financial condition of the District. The Secretary shall perform such other duties as may be required by law or directed by the Board of Directors.

[C] The Board of Directors may appoint an Assistant Secretary, to which the provisions of this Section 7 shall be applicable, to function in the absence of the Secretary.

## **Section 8 District Manager**

[A] The Board shall employ a District Manager who shall be in direct charge, subject to the discretion and control of the Board, of the operation of the District. The District Manager shall organize, operate, control, and obtain results assuring that the system is operating under the objectives established by the Board.

[B] The District Manager shall be employed by the Board at its organizational meeting in January of each year, or at such other time or for such other period as the Board may determine.

[C] The Manager shall supervise the investment of District funds as directed by the Board.

[D] The Manager shall present regular reports to the Board on the District's operation and maintenance activities and shall acquaint the Board with the actual field operations, either by tours or other informative methods.

[E] The Manager shall have authority over all employees of the District, including designation of their responsibilities and duties, and procurement and termination of their service.

[F] The Manager shall have authority to hire employees to fill only positions established by the Board of Directors.

[G] The Manager shall perform such other duties as may be required by law or directed by the Board.

[H] The Manager shall first obtain Board approval before authorizing the expenditure of more than \$1,000. for any service or product. This stipulation shall not apply to normal monthly expenses or inventory purchases.

## **Section 9 Employee Compensation and Benefits**

[A] Hourly employee compensation and benefits shall be provided in accordance with the Wage and Working Agreement between Consolidated Irrigation District No. 19 and the International Union of Operating Engineer's Local 280. Said agreement shall be on file at the office of the District and shall apply to the field employees.

[B] Salaried employee's compensation and benefits shall be as provided for in "Conditions of Employment for Salaried Employees" which is on file at the District Office.

## **Section 10 Water Services**

[A] No customer's service shall be connected to the District's water mains without first obtaining the permission of the District's Board of Directors acting through the District Manager, and complying with these Bylaws, Rules, and Regulations.

[B] Any customer desiring to connect to the District's facilities for service in the District shall first make application at the Office of the District. The customer shall supply to the District at the time of application, the parcel number, the address, the lot and block number, if platted, and the approximate number of acres to be served. The applicant shall pay in advance to the

District the irrigation and domestic water charges for the balance of the current year. The applicant shall also pay in advance the estimated costs of labor, equipment, and materials for the installation. In addition, the customer shall pay the System Capitalization Fee based upon the size of the meter installation. If the required advance payment is less than the actual cost, the customer shall pay the difference within thirty (30) days. If the payment is more than the final cost, the District shall refund the difference within thirty (30) days.

A schedule of System Capitalization Fees and Estimated Costs is on file in the District Office. The schedule and costs may be amended from time to time as the Board of Directors deems necessary.

C] The District shall make all service connections to the water main and, except under special conditions, the District will install the service from the water main to and including the meter. New housing developments will have the mainline and service line to each lot installed by an outside contractor under inspection by the District. The meter will normally be placed at the property line. The District may determine the location of the service along the frontage, with the customer providing information regarding the finished grade in order that the water meter box may be set at finished grade. Any subsequent alterations will be at the customer's expense. The customer will provide and install the service line from the water meter box and/or turnout to the point of utilization. All water services shall be metered whether for domestic, irrigation, commercial or industrial use. Estimated charges for water service installations shall be made in accordance with the late schedules which is on file at the District office.

[D] Two residences may be provided water service through a common metered service if both residences are located on the same parcel and are owned by the same owner. The domestic charge to each residence shall be made in accordance with the District water rate schedule which is on file at the District office. If such parcel is segregated and the individual

homes are owned by different individuals, separate meters will be required for each with any installation costs charged to the original owner or subsequent purchaser.

[E] Mobile home parks may be provided water service through one or more metered water services. Charges for water service shall be made in accordance with the District's water rate schedule which is on file at the District office.

[F] Apartments will be provided water service through a metered water service. Each apartment shall have a separate water shut off so that no other apartment shall be affected by the shut off of water to another apartment unit. Rates for apartments water shall be billed on a monthly basis according to the rate schedule on file at the District office.

[G] Any damage to the water meter box, meter, or piping which is caused from freezing, thawing operations, landscaping, grading, or accidental breakage shall also be the customer's responsibility. The District shall make the necessary repairs and shall bill the costs directly to the customer. The customer shall protect his service from the water meter box and water meter to the point of utilization from freezing.

The customer is responsible for any repairs required to his service line from the water meter box to the point of utilization. The District will not make such repairs beyond the water meter box. If there is no water meter box, the customer shall be responsible for the service line from the property line to the point of utilization.

By acceptance of water service from the District, all water users consent to be fully bound by all laws relating to the District and the duties, obligations, and penalties prescribed in all pertinent Bylaws, Rules, and Regulations of the District now in force or as hereafter amended or adopted,

and by all obligations arising under any contract with the State of Washington or the United States of America.

[H] Meter Testing

A customer may request that his meter be tested for accuracy. A deposit must be made in advance to cover the test. If the test finds the meter to be over registering by more than 3%, the meter will be replaced, the deposit refunded, and an adjustment made retroactive on water charges for a period not to exceed one (1) year.

If the test finds the meter to be registering correctly or under registering, the deposit will be retained and the customer may be charged retroactive for the amount of un-registered water for a period of one (1) year.

**Section 11 Irrigation Service**

[A] The District will endeavor to supply water equally for irrigation use on the basis of the number of irrigable acres. The water furnished by the District will be delivered at sprinkler pressure. The irrigation water service size will be regulated in the following manner.

- 0.01 - 0.50 acres 5/8 x 3/4" metered service
- 0.50 - 2.50 acres 1" metered service
- 2.51 - 5.00 acres 1-1/2" metered service
- 5.01 - 10.00 acres 2" metered service
- 10.01 - 20.00 acres 3" metered service

[B] Water for irrigation service shall be delivered through a metered service. If the customer is also receiving domestic service, water for both irrigation and domestic service may be delivered through a common metered service as shown above.

[C] The size of a metered irrigation water service on a parcel of land may not be in compliance with sub-paragraph [A] above as a result of a subdivision of land. The District may, at its option, reduce the size of the water service in accordance with sub-paragraph [A] above. This work shall be done at a time convenient to the District and at its expense.

[D] A customer may obtain a larger metered water service than is permitted pursuant to sub-paragraph [A], above, by applying to the District for such and by paying the total costs for such. If a customer wishes to obtain a larger meter than is specified by the District as part of the District's irrigation metering program, he/she may obtain such by paying the costs which are over and above those costs estimated for the original smaller meter installation.

[E] All new or additional metered irrigation water services shall be constructed and irrigation water supplied upon the making and filing with the District of a written application thereof on the District's printed form by the owner of legal title to the premises to be served or by such owner's agent and upon payment of a deposit to cover the prescribed estimated costs thereof. Title to said water service will be vested with the District.

[F] No user, or other person, shall be permitted to make his own connection to the water main. Further, the District will not assume responsibility for distribution of water beyond the established water service. Said distribution system will be designed by the landowner in such a manner as to require not more than 9.2 gallons per minute per acre. The District may require the approval of the design and installation of a sprinkler system in accordance with the design standard of 9.2 GPM per acre as a condition of water service.

[G] The normal irrigation season is from April 15<sup>th</sup> to October 15<sup>th</sup>. If irrigation water is used prior to or after the normal irrigation season, any excess usage will be assessed at the domestic excess rate schedule.

All water supplied during the off-irrigation season shall be considered either as domestic, municipal, or industrial, and shall be metered and shall be charged at the applicable water rate.

[H] The annual irrigation water allotment shall be based upon the assessed acreage. 130,680 cubic-feet per acre or portion thereof will be allowed before any excess irrigation charge is made. Excess irrigation rates are on file and are subject to revision by the Board of Directors.

[I] Landowners may "combine" irrigation usage on adjoining parcels: For example: An owner irrigating adjoining owned parcels will be allowed the acreage allowance for all parcels against the total usage.

Owners irrigating adjoining leased parcels may combine usage by taking out an annual "Combined Account Permit". Usage and allowances will be manually computed. Any excess irrigation charge will be billed to the party taking out the permit.

## **Section 12 Outside District Water Service**

Certain parcels of land which are not within the Irrigation District boundaries may be supplied water service on an "Outside District" basis. Owners must first petition the District for Outside Water Service and if it is determined the land cannot be annexed for permanent water service, and the Board of Directors approves the issuance of an Outside District Water Service Contract, such outside district water service may be granted. All requirements as outlined in Resolution 82-9 must be followed. Rates for Outside District Water Service are on file in the District

office and may be increased from time to time as the Board of Directors may deem necessary. Rates for Outside District Water Service are one and one half (1 ½ times) inside District rates per Resolution 2001-8.

### **Section 13 Assessments, Rates and Charges**

Each individual parcel of assessed land in the District, concerning which is of record in the District's office, shall be subject to an annual "irrigation Assessment." The assessment shall be based upon irrigation water service or for the availability thereof and for domestic water service, if such is actually provided to the parcel.

A minimum one (1) acre irrigation charge will be made against all irrigable parcels of land assessed a domestic water service charge on the District's Annual Assessment Roll. (Res. 88-15)

Those parcels classified as non-irrigable (annexed for domestic service only) will be assessed for domestic service only. No irrigation charge will be made, nor will any irrigation allotment be allowed. Any domestic excess usage will be charged at the excess rate schedule established by the Board.

(A) An annual assessment for domestic service (rates are on file and may be changed by Board) will entitle the user to a quantity of water which presently is 1333 cubic feet per month. Water use in excess of the 1333 cubic feet per month accumulative to 8000 cubic feet for the 6 month period between October 15<sup>th</sup> and April 15<sup>th</sup>, shall be charged at an excess which is also on file. Excess rates may also be changed by the Board.

Excess usage during the period April 15<sup>th</sup> - October 15<sup>th</sup> shall be charged at the rate which is also of file.

(B) Annual domestic water assessments may be removed from the annual assessment roll if the following conditions are met: (1) A written request from the landowner must be received requesting the domestic water meter be removed. (2) The domestic water meter installation must have been inactive for more than one year. (3) The request for removal shall be for a minimum one year time period. (4) The property owner shall pay the costs of meter removal and reinstallation.

Domestic water assessments will be prorated from the date of removal or reinstallation of the meter.

(C) Mobile home parks shall be assessed for domestic service in accordance with the rate schedule on file at the District's office.

(D) Commercial water services shall be charged for water service based upon meter size and monthly consumption. Multiple unit dwellings shall be charged for water service based upon the number of units and monthly consumption. No irrigation assessment shall be levied against the lands involved, nor will any irrigation allotment be given. Rates are on file and are subject to change by the Board of Directors.

(E) Delinquent excess water charges and other miscellaneous office billings are subject to late fees and service charges as outlined in Resolution 87-3, dated January 14, 1987. Delinquent water charges may also result in termination of water service. Specific procedures for water service disconnection are on file at the District's office. Late fees or service charges may be waived by the Manager under certain circumstances.

(F) Domestic excess water charges which result from a leak in the owner's service line during the October 15<sup>th</sup> to April 15<sup>th</sup> period may be reduced to actual pumping costs (60% reduction) if the leak is repaired in a timely fashion. (Approximately 3 months). The total quantity of water recorded until the leak is repaired, will be used in computing the excess water charges. If the leak is not repaired in a timely manner, the Manager may determine that no adjustment of the excess water charges will be allowed. An adjustment may be made during the April 15<sup>th</sup> to October 15<sup>th</sup> period if the leak can be quantified and verified.

(G) Office billings, other than commercial, industrial, or manufacturing accounts, if unpaid, may be added to the assessment roll as a miscellaneous charge together with service and interest charges (12% APR). The procedure for collection of delinquent assessments shall be according to state statute. Delinquent office billings may also result in water service disconnection as outlined in the District's procedures which are on file at the District office.

(H) As provided in RCW 87.03.016, the District may contract for street lighting with the appropriate electrical utility company. The developer or property owner must first execute an agreement with the District authorizing the District to enter into a contract with the electric utility to provide street lighting service.

The costs for the street lighting service shall be prorated against the lots served and shall be assessed on an annual basis and will be included as part of the annual irrigation assessment levied by the District. Said assessment is a lien against the property.

(I) The quantities and rates herein specified are subject to change from time to time by action of the District's Board of Directors.

## **Section 14 Distribution of Water and Mainline Extensions**

[A] The District shall deliver water for irrigation, domestic, municipal, and industrial purposes through a pressure pipe network. The District's standard shall be a minimum static pressure of 40 psi but the District shall not be responsible for maintaining such pressure level.

[B] The customer shall be required to install and maintain a control valve at the irrigation water service. For domestic, municipal, and industrial services, the valve shall be located at the point of utilization.

[C] The District shall not assume any responsibility for the facilities required for the distribution of water beyond the established points of service, and needed as a result of subdivision of land, and such shall be installed at the expense of the landowner.

The developer or landowner shall first present a "water plan" to the District which must be approved by the Manager. The developer or landowner must then execute a "Developer Agreement and Conveyance Agreement". All new water facilities must be constructed to District standards, which are on file at the District Office.

[D] Developers who construct water mains which will benefit lands other than their own may apply to the District for a Mainline Equalization Agreement. If approved by the District's Board of Directors, benefited lands which did not participate in the cost of the main or mains may be charged an allotted share of the costs of the main or mains as a condition of receiving water service from said main or mains. Those moneys collected by the District shall be returned to the developer who constructed the water mains. The conditions for obtaining such agreement and the detailed provisions which will be contained in such agreement are specified in

Resolution 77-3, adopted by the District's Board of Directors, February 14, 1977. Said Resolution, by reference, is made a part of these Bylaws, Rules and Regulations.

## **Section 15 Temporary Interruption of Service**

All water service by the District is subject to temporary interruptions required in connection with the making of the necessary repairs to the District's system or extensions or improvements thereof or other necessary purpose. If the customer's service fails, he shall endeavor to determine if his valve may have been inadvertently turned off before calling the District.

In the event that service is interrupted or not satisfactory and the cause is not determined, it shall be the obligation of the customer to notify the District of such condition. When practical, public notice shall be given and every effort made to make such interruptions as short as possible. The District shall not be liable for personal injuries, loss, or damage resulting therefrom, nor will such failure constitute breach of agreement of service. In the event the temporary interruption is the result of a frozen service line or meter, the customer will be charged for the necessary costs of meter repairs or of restoring either temporary or permanent service, or both, unless the District's Board of Director's determines that special circumstances exist which indicate that different treatment is warranted.

## **Section 16 Access to Premises**

[A] Reasonable access to the water user's premises for any Operation or Maintenance of the District's water supply facilities shall be provided by the water user at all reasonable times. No obstruction, natural or artificial, shall be constructed or continued that prevents, limits, or interferes with such access, and upon request by the District any water user who has such an obstruction shall remove the same forthwith.

[B] "Operation and Maintenance", as the term is used herein, shall include water turn on and turn off, meter reading, inspection of facilities and water use, irrigation or domestic water repair work, construction of new facilities necessary for proper water supply to the premises, including any excavation necessary for such repair or installation work, and any other normal District operational work deemed necessary by the District.

[C] In the event excavation or other work is done on the water user's premises, the District shall make a reasonable effort to restore the work area to its original condition before the excavation or other work was done. However, the District shall not be responsible for the replacement, restoration, or relocation of an obstruction to a water supply facility. As provided in paragraph one (1) of this Section 16, the District may require the removal or modification of an obstruction as a condition of continued water service.

[D] Refusal by a water user to permit access to his premises, or to remove or modify an obstruction after request by the District, shall be a violation of this Section 16 and of the District's Bylaws, Rules and Regulations. Thereupon the water user is subject to shut-off of water service to his premises until the violation is corrected or the conditions remedied to the satisfaction of the District's Board of Directors or Manager. Any such shut-off, and other penalties to the offending water user, shall follow the procedures outlined in Section 18 of these Bylaws, Rules and Regulations.

[E] Abuse or attempted intimidation by any person of any District employee or representative also shall be a violation of this Section 16 and of the District's Bylaws, Rules and Regulations.

## **Section 17 Termination of Water Service**

In addition to any other remedy available to the District, water service to any parcel of land in the District may be terminated for failure of the landowner or water user to pay assessments when due or to comply in any other respect with these bylaws and any other rules adopted by the District. Water service may also be terminated if a landowner or water user is found to have committed any of the following prohibited acts:

- [1] Break or deface the seal of any water meter.
- [2] Circumvent the passage of water from the District's system through the water meter installed for the measurement thereof, or connect to the District's water mains without written permission.
- [3] Obstruct, alter, injure, or prevent the action of any meter installed for the measurement of the volume of water supplied to said premises.
- [4] Waste water by allowing leakage through defective pipes or plumbing fixtures.
- [5] Waste water by excessive and improper irrigation or by careless irrigation methods.
- [6] Tamper with any turnoff or any fire hydrant within the District without the authority of the District Manager, except in the event of fire. Fire hydrant water use may be permitted upon the customer obtaining a fire hydrant use permit.
- [7] Open or tamper with any valve or other fixture placed in any of the mains or pipelines of the District.

- [8] Refuse any agent or employee of the District permission to come on the premises to inspect or read the meter or to inspect any usage of water.
- [9] No owner or lessee of property shall furnish water to any other property or person without first obtaining a permit to do so from the District Manager.
- [10] Violate any of the Bylaws, Rules and Regulations herein established.

## **Section 18 Termination/Disconnection Procedure**

Water Service shall not be terminated until after notice and an opportunity for hearing has been given, as provided herein.

- [A] Except in the case of an emergency, at least 20 days advance notice shall be given by the District before water service is terminated pursuant to the provisions of Section 17.
- [B] The notice may be personally served on either the owner of the land in question, or on the occupant of the premises, or mailed by both first class and certified mail, with return receipt requested. In the event of service by mail, the date of service shall be considered as the date of mailing.
- [C] The notice shall advise the landowner or water user that water service to the subject property is to be terminated. The notice shall specify the reasons for the termination of water service and shall specify the anticipated date of water service disconnection. The notice shall additionally notify the landowner or water user of his/her right to request a hearing before the Board of Directors of the District prior to termination.

[D] Any person wishing to dispute or contest, for any reason, the District's decision to terminate water service, shall, upon making appropriate request therefor, be entitled to a hearing before the Board of Directors. A request for hearing must be in writing, must include the full return mailing address of the requesting party, and must be delivered to the main office of the District no later than ten (10) days prior to the scheduled date of disconnection. Upon timely receipt of a request for hearing, water service will not be disconnected by the District until further order of the Board of Directors following hearing.

[E] Except as provided in paragraph (F) below, or as otherwise decided by the Board, hearings shall be held at the next regularly scheduled meeting of the Board of Directors following the date of the District's receipt of a request for hearing. At the hearing, the Board shall hear all evidence pertaining to the matter, including any evidence submitted by the party requesting the hearing, and shall thereupon reach a determination.

[F] Water service may be shut off immediately prior to hearing by reason of an alleged violation of any of the provisions of Section 17 of these rules, or in the case of an emergency. The landowner or water user whose water service is thus terminated shall be given a written notice thereof, in the manner set forth in sub-paragraph (B) above, setting forth the reason for the shut-off, which said notice shall be given as soon after the actual shut-off as is reasonably possible, and in any event not more than two (2) days after the shut-off, setting a time and place for hearing on the alleged violation. Such hearing shall be held not less than ten (10) days nor more than thirty (30) days after the date of notice, except upon request of the landowner or water user the time of hearing may be held at a time less than ten (10) days from the date of notice.

[G] A reconnection fee of \$25 shall be charged prior to the water service being turned back on. The fee is subject to increase by the Board of Directors.

[H] If pursuant to the provisions of these rules, water service to any user is turned off without a hearing, no person shall have any recourse against the Board or any officer, agent or employee of the District, regardless of whether a hearing is actually held on the alleged violation and regardless of the result of the hearing.

## **Section 19 Annexation to District**

[A] The landowner(s) or authorized representative(s) shall write a letter to the District requesting annexation. The letter should contain the legal description of land to be annexed and the name(s) of the legal owner(s).

[B] The Board of Directors will receive the letter at the next regularly scheduled Board Meeting following its receipt. If it considers the request for annexation to be in the best interest of the District, the Board shall grant tentative approval subject to the approval of the Spokane County Boundary Review Board, the Bureau of Reclamation, and other formalities before the Board of Directors of Consolidated Irrigation District No. 19.

[C] The landowner(s) or authorized representative(s) will be advised of the Board's decision and, if favorable, will be required to deposit an estimated amount to cover the legal and administrative costs for processing the annexation petition.

[D] The District or the landowner(s) shall prepare an annexation petition to be signed by the landowner(s) and filed with the District.

[E] The landowner(s) will submit to the District Manager an environmental check list for the annexation.

[F] If the District Manager, acting as the responsible official pursuant to S.E.P.A., determines no significant environmental impact exists, he will issue a Declaration of Non-Significance. Copies of the Declaration, along with a Declaration of Lead Agency Status, will be sent to various agencies for their review and comments.

[G] The District Manager will submit a request to the Bureau of Reclamation for approval of the annexation.

[H] The Board of Directors may then adopt a Resolution accepting filing of the petition and setting a date for hearing before the Board of Directors. The notice of hearing of said petition shall be published in the manner and form and for the time required by law.

[I] The petition shall come on for hearing before the Board of Directors. If no objection is received, the Board may adopt a Resolution approving the petition. If there are objections made to the annexation, either in writing or in person, but the Board still favors and approves the annexation, the proposition must be submitted to the District's electors for approval or rejection at an election.

(1) At the hearing the Board will establish the annexation equalizing fee to place lands on the same basis as other lands within the District. The annexation equalizing fee for domestic or irrigation applications is presently \$800 per acre plus \$2000 per domestic hookup as specified in Resolution 96-3. Pursuant to District policy, the fees will be reviewed from time to time to keep pace with the increase in the costs of construction of water supply facilities. The annexation equalizing fee shall generally be considered as due forthwith upon entry of the order of annexation. Annexations for industrial, commercial, or manufacturing purposes shall be addressed using Resolution 87-11, adopted March 11, 1987, as a guideline. The annexation

equalizing fees shall be based upon the schedule in the Resolution and not on an acreage and domestic service basis.

[J] No water service shall be available to the property being annexed to the District until the annexation equalizing fee and costs, and any interest due (if applicable) has been paid in full, unless a contract is executed for payment by the petitioner.

[K] Water charges will be assessed for the balance of the current year for all annexed lands. Charges shall be due from the time of installation of the water service.

[L] Upon payment of the legal and administrative costs and receipt of the approval from the Bureau of Reclamation, the Board of Directors will enter an order including the lands and redefining the boundaries of the District. The order will be recorded at the Spokane County Auditor's Office with copies sent to the County Assessor.

## **Section 20 Cross Connection Control**

The District shall maintain a Cross Connection Control Program to protect its water supply. A Cross Connection is defined as:

Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any non-potable or unapproved water supply system, sewer, drain, conduit, pool storage, reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other waste of unknown or unsafe quality which may be capable of imparting contamination to the District's water supply as a result of back flow.

The District will review all new service applications. If it determines that a potential Cross Connection exists, the District will require Cross Connection protective equipment to be installed with the new service. The protective equipment will be installed at the expense of the user as a requirement for continued service from the District.

Resolution 86-5 and the Resolution adopted March 12, 1986 shall be consulted for further details.

## **Section 21 Miscellaneous**

Miscellaneous charges may be assessed for service calls made at the request of homeowners or other parties with interest in the property. The Manager shall determine whether a service charge is applicable based upon the particular circumstances.

Service calls made outside of normal work hours will be charged a two (2) hour minimum at the current overtime rate for field employees.

## **Section 22 Adoption**

These Amended Bylaws, Rules and Regulations, as adopted June 13, 2012 are effective forthwith.

Dated June 13, 2012

Ronald Utecht \_\_\_\_\_

Steven Schultz \_\_\_\_\_

Howard S. Peuck \_\_\_\_\_

Gary Schimmels \_\_\_\_\_

Dan Evans \_\_\_\_\_

Board of Directors

Consolidated Irrigation District No. 19

Attest:

Robert O. Ashcraft \_\_\_\_\_

Secretary