

RESOLUTION NO. 126-96
ADOPTING RULES AND REGULATIONS
CONCERNING DELIVERY OF UNTREATED WATER
TO WATER PROVIDERS AND INDIVIDUAL USERS

Having duly considered these matters, and based on policy reasons set forth in the Rules and Regulations,

NOW THEREFORE BE IT RESOLVED:

The attached Rules and Regulations pertaining to the delivery of untreated water to Water Providers and to Individual Users are hereby adopted, effective immediately.

PASSED and ADOPTED this 18th day of December, 1996.

/s/ Linda Afman
President of the Council

ATTEST:

/s/ Stephanie Nye
City Clerk

RULES AND REGULATIONS
PERTAINING TO THE
DELIVERY OF UNTREATED WATER TO WATER PROVIDERS
AND INDIVIDUAL USERS

It has long been the policy of the City of Grand Junction to not provide untreated water from City flowlines or from City canals and ditches for domestic drinking water purposes; federal and state laws are based on the same policy considerations. Several water providers and numerous water users have been allowed to tap onto the City raw water flowlines to obtain livestock water. Such users were subsequently allowed to continue to receive untreated water when it was determined they were using the water for human consumption, but only if the raw water was properly treated. It is the policy of the City to remove users from these raw water flowlines when other treated domestic water became available.

These Rules and Regulations are made to regulate water providers, individual water users, and the delivery of water to individuals who receive untreated water from the City of Grand Junction's raw water flowlines or ditches. Current water providers and individual water users to whom raw water is available are listed on the attached schedule.

Entities or persons acting as water providers (collectively referred to herein as "Water Providers"), and/or others who provide water for drinking or other domestic use (collectively referred to herein as "Individual Users"), have the duty to provide clean and safe water if it is to be used for domestic purposes. Such Water Providers and Individual Users must comply with State and Federal treatment requirements. The purpose of those requirements is to assure that any water delivered to any person which is intended for domestic or drinking purposes is properly treated and thus is safe for human consumption.

Historically, enforcement of such regulations and requirements has, at least in western Colorado, been less than rigorous by state and federal authorities. The State Department of Public Health and Environment ("State Health") is the agency with primary enforcement responsibility. For various reasons including staffing levels and recognition that smaller systems are frequently undercapitalized, State

Health officials have extended deadlines or have not enforced applicable State and Federal requirements. Such failure to rigorously enforce, however, may mean that the end-user, who likely has no knowledge of the requirements or the failure of the Water Provider to comply with all requirements, is at risk of receiving water for domestic consumption which may not comply with minimum treatment standards. In the absence of rigorous State or Federal enforcement efforts, the City's interests, and that of the public, is promoted by requiring that any Water Provider or Individual User receiving water from City supplies comply with applicable State and Federal requirements. These rules and requirements are implemented to such ends.

In addition, the City's provision of untreated water to Water Providers and Individual Users is properly subject to business rules such as setting of rates, water meter requirements, and other standards similar, as determined applicable by the City, to those which apply to the City's municipal domestic water supply system. The City's water supply treatment and distribution system is regulated by provisions of the City Code, and regulations issued pursuant to the City Code. Rules and requirements which control the in-city water supply, treatment and distribution should apply equally to Water Providers and Individual Users, receiving water from the City except where existing Code provisions, and implementing rules, clearly do not apply.

I.

Rules applying to Water Providers:

Therefore, the following rules and requirements apply to all Water Providers receiving untreated water from the City for distribution to others. These rules and regulations shall be effective immediately upon adoption by the City Council.

1. Each Water Provider shall install and maintain, in accordance with City specifications, a meter at a location designated by the City. The City will read each meter and the Water Provider will pay, based on such reading, monthly for the water used, based on the meter readings (including water flowing through the meter due to breaks).
2. Each Water Provider shall pay to the City, in arrears, except as provided below, based on the following rate:
 - (a) \$14.62/month minimum on the first active tap serviced for a minimum monthly usage of 3000 gallons.

- (b) \$3.44/1000 gallons for all usage over 3,000 gallons serviced/month to 10,000 gallons; \$3.32/1000 gallons for all usage over 10,000 gallons serviced/month to 20,000 gallons; and \$3.22/1000 gallons for all usage over 20,000 gallons serviced/month (in the aggregate for the water provider).
 - (c) The monthly charge will change as the minimum rate changes on existing in-City residential rates; such changes shall be effective in accordance with the City's resolutions without the need for reference or change in these regulations.
 - (d) All rates will change periodically; the City will notify the Water Provider when such changes are effective.
 - (e) In the event the Water Provider does not timely pay all amounts billed to it, the Utility Manager may require that, for all months following notice, the Water Provider pay in advance of water delivery, based on prior usage.
 - (f) All amounts not timely paid by a Water Provider shall accrue interest thereon at a rate of twelve percent (12%) per annum.
3. In addition to monthly water usage charges, each Water Provider shall pay for any necessary maintenance on the tap and meter, as required by the City. No person shall make any changes to any tap connected with any City pipe or facility or to any meter required by these regulations without the prior consent of the City.
4. Each Water Provider shall maintain in good order all of its distribution system. The City is not responsible for, or liable for, any pipeline maintenance or repairs on any water provider's lines or facilities which are on the downstream side of a tap onto any City pipe or facility.
5. Each Water Provider shall restrict and limit the number of its individual taps and users to those in place as of the effective date of these rules and regulations. These limitations are listed in the attached schedule. The Utility Manager of the City shall notify each water provider of the number of individual taps which are authorized. Each Water Provider shall take such actions as are necessary to limit or remove additional taps, over the number authorized by the Utility Manager.

6. No Water Provider shall allow any person to receive water delivered by the City to the Water Provider (hereafter "City water"), unless prior thereto such Water Provider has notified the City, in writing, and the City has, in writing, given its consent. In addition, each time a new user receives City water from a Water Provider, such Water Provider shall inform the City of each user's full name, address, and property being served. Each Water Provider shall, at least once each calendar year, deliver to the City's Utility Manager a map clearly showing the name and address of each Water user and the property to which City water is available.
7. At least once each calendar year, each Water Provider shall provide to each person receiving City water: notice concerning these Rules; a summary of applicable State and Federal requirements; and the status of the Water Provider's treatment of the water supplied to such users.
8. Each Water Provider shall certify, in writing, to the City on or before April 1 of each year that the supply treatment and City water for human consumption meets all State, Federal, and Local requirements.
9. Each Water Provider shall, on a monthly basis, provide the City copies of all water quality reports about sampling, and violations of which it is aware, including those submitted to the State of Colorado.
10. The City may inspect the water facilities of each Water Provider without notice at any time during the hours of 8:00 a.m. to 5:00 p.m. on any Monday through Friday and each Water Provider shall cooperate in any such inspection by the City.
11. Each Water Provider shall supply City water to any City property which is presently served by such Water Provider at the same rates and under the same conditions as such Water Provider supplies City water to its other users.

II.

Rules applying to Individual Water Users:

The following rules and requirements apply to all Individual Users receiving untreated water from the City. These rules and regulations shall be effective immediately upon adoption by the City Council.

1. Each Individual User shall have, in accordance with City specifications, a meter at a location designated by the City. The City will read each meter and the Individual User shall pay, based on such reading, monthly for the water used, based on the meter readings (including water flowing through the meter due to breaks).
2. Each Individual User shall pay to the City, in arrears, except as provided below, based on the following rate:
 - (a) \$24.26/month minimum on each active tap based on a minimum monthly per tap usage of 3000 gallons.
 - (b) \$3.44/1000 gallons for all usage over 3,000 gallons/month per active tap up to 10,000 gallons/month;
\$3.31/1000 gallons for all usage over 10,000 gallons/month per active tap up to 20,000 gallons/month;
\$3.21/1000 gallons for all usage over 20,000 gallons/month per active tap (in the aggregate for the Water Provider).
 - (c) The minimum monthly charge set forth above shall change as the minimum rate changes on existing in-City residential rates; such changes shall be effective in accordance with the City's ordinance(s) or resolution(s) without the need for reference or change in these regulations.
 - (d) All rates will change periodically; the City will notify the Individual User when such changes are effective.
 - (e) In the event the Individual User does not timely pay all amounts billed to it, the Utility Manager may require that, for the month following notice, the Individual User pay in advance of water delivery, based on prior usage.
 - (f) All amounts not timely paid by a Individual User shall accrue interest thereon at a rate of twelve percent (12%) per annum.
3. The City will provide the necessary maintenance on he tap and meter, as required. No person shall make any changes to any tap connected with any City pipe or facility or to any meter required by these regulations without the prior consent of the City.
4. Each Individual User shall maintain in good order all of its service line(s). The City is not responsible for, or liable for, any pipeline maintenance or repairs on any user's lines or facilities which are on the

downstream side of a tap onto any City pipe or facility.

5. Each Individual User shall be limited to the tap existing as of the effective date of these rules. These limitations are listed in the attached schedule. Each Individual User shall take such actions as are necessary to limit or remove any additional taps, over the number authorized by the Utility Manager on the attached schedule, as amended from time-to-time.
6. No Individual User shall allow City water to be delivered to any other property (other than as shown on the approved schedule) unless prior thereto such Individual User has notified the City, in writing, and the City has, in writing, given its consent.
7. By accepting any City water each Individual User agrees and understands that the City does not treat any water passing through the meter in any way and the quality of the water delivered to the user does not, and will not, meet present or future water quality standards as set by any regulatory agency for a domestic water supply. The Individual User recognizes and agrees to purchase and install, per manufacturers' recommendations, State Health approved Culligan "point of use" treatment system if the water supplied by the City is to be used for domestic purposes, *i.e.*, piped into the residence. No other system shall be used or installed.
8. Each Individual User shall upgrade or replace any treatment system, as required by the City, when such system fails to provide treated water that meets Federal and State Safe Drinking Water standards.
9. Each Individual User shall provide access to the City for purposes of water quality sampling and system maintenance, as required by State and Federal regulations.
10. System maintenance by the City shall be limited to replacing ultraviolet bulbs on a yearly basis and changing the one (1) micron filter as needed. Other system maintenance repairs or replacement as recommended by the manufacturer shall be performed by the Individual User.
11. Each Individual User shall notify the City when the one (1) micron filter is due for replacement.

III.

Rules applying to all Water Providers and Individual Water Users:

1. In the event there is planned maintenance on the flowline or the delivery structures which would likely result in an interruption of flow to the Water Providers or Individual Users, the City will attempt to give at least 72 hours notice by telephone. In the event of an emergency, as determined solely by the City, no notice will be provided. If the emergency will result in the line being out of service for a lengthy period of time, then notice will be given as soon as practicable. In any event, the City is not liable to provide notice, and these rules shall not be construed to be a basis for any claim for any loss or injury.
2. In the event a flowline(s) is moved from its existing location, is replaced or is otherwise not available to supply water to any Water Provider or Individual User, the City will attempt to give one year's notice thereof, unless circumstances otherwise dictate.
3. Any Water Provider or Individual User, or any other person who accepts City water or the delivery of City water, or allowing any physical connection to any delivery system which is connected to City water, including any tap, constitutes such Water Provider's, Individual User's or person's irrevocable promise and warranty to hold the City, its officers, employees and agents, harmless from, and shall indemnify the City, its officers, agents, and employees with respect to, all claims, causes of action, damages, costs, losses, or injury to persons or property arising out of the providing of water, the failure to supply water or the failure to treat or properly treat water. In addition such promise and warranty to hold harmless and indemnify shall include any claims however stated made by any person receiving City water, whether or not treated, from a Water Provider pursuant to these rules and regulations.
4. Each Water Provider and each Individual User shall take such steps as are necessary in order that City water is not available to any person for human consumption, except as provided by state or federal law and as provided herein.

5. No lease, sale, donation, transfer, or other disposition of any City water shall be made without the prior written approval of the authorized representative of the City of Grand Junction.
6. By accepting any City water, or delivery of any City water, or by allowing any physical connection which is directly or indirectly connected to any City water supply, each Water Provider and each Individual User irrevocably promises, warrants and agrees that it will, at its sole cost and expense, continuously, whether required by the State or Federal governments or not, meet the standards set for public water systems by the Safe Drinking Water Act, as amended, and any other applicable law or regulation.
7. These rules and regulations may be amended from time to time by the City. Notice of any such amendment will be provided similarly to notice of the adoption of any other resolution of the City Council of the City.
8. In the event of non-compliance with any of the foregoing regulations, the City may disconnect such Water Provider or Individual User from all City water.
9. By accepting any City water, or delivery of any City water, or by allowing any physical connection which is directly or indirectly connected to any City water supply, each Water Provider and each Individual User grants and conveys, during all periods when such Water Provider or Individual User is connect to any facility which is connected, directly or indirectly, to any City facility, or is receiving City water, the right to the City to enter upon the property of such Water Provider or Individual User so that the City may disconnect any tap, pipe or other facility.
10. There shall be no assignment or transfer of this tap or any rights or duties created herein.
11. A memorandum of these rules may be recorded to provide notice hereof to the owners of affected properties.
12. In the event the City engages an attorney, or uses its attorneys to enforce the provision(s) of these rules, with respect to a Water Provider or Individual User, each such Water Provider and each Individual User agrees to pay the City's reasonable attorneys fees and costs incurred in such effort(s).

ATTACHMENT A: RULES AND REGULATIONS PERTAINING TO THE
DELIVERY OF UNTREATED WATER

SCHEDULE OF AUTHORIZED TAPS

| <u>(A) WATER PROVIDERS</u> | <u>PIPELINE AUTHORIZED TAPS</u> | | |
|---|---------------------------------|---|---------------|
| <u>AUTHORIZED USES</u> | | | |
| 1. Reeder Mesa Livestock Water Co.KC | 33 | | 33 Households |
| 2. Cross Bar Cross Livestock Water Co.KC | 7 | | 7 Households |
| 3. Purdy Mesa Livestock Water Co.KC | 75 | | 75 Households |
| | | | |
| <u>(B) INDIVIDUAL USERS</u> | <u>PIPELINE AUTHORIZED TAP</u> | | |
| <u>AUTHORIZED USE</u> | | | |
| 1. Intake House (City) | KC | 1 | 1 Household |
| 2. Click Ranch (City) | KC | 1 | 1 Stockwater |
| 3. Esther Mash | KC | 1 | 2 Households |
| 4. Matt Dalton | KC | 1 | 1 Household |
| 5. Kniffen | KC | 1 | 1 Household |
| 6. Oscar Massey | KC | 1 | 2 Households |
| 7. Oscar Massey | KC | 1 | 1 Stockwater |
| 8. Oscar Massey | PM | 1 | 1 Stockwater |
| 9. Jack Murray | KC | 1 | 1 Stockwater |
| 10. Roy Anderson | KC | 1 | 2 Households |
| 11. Nina Brouse | KC | 1 | 1 Household |
| 12. Gene Alexander | KC | 1 | 1 Household |
| 13. Anderson Ranch (City) | KC | 1 | 1 Household |
| 14. Anderson Ranch (City) | KC | 3 | 3 Stockwater |
| 15. Mike Anderson | KC | 1 | 1 Household |
| 16. Steve Wood | KC | 1 | 1 Household |
| 17. Don Snidow | KC | 1 | 1 Household |
| 18. Bill Blair | PM | 1 | 1 Household |
| 19. L. Hicks (Whiskey Flats) | PM | 1 | 1 Household |
| 20. J. Cooper (Whiskey Flats) | PM | 1 | 1 Household |
| 21. Rickard Strachan (Whiskey Flats)PM | PM | 1 | 1 Household |
| 22. John Curtis/Mary Ross (Whiskey Flats)PM | PM | 1 | 1 Household |
| 23. Mary Ross (Whiskey Flats) | PM | 1 | 1 Household |
| 24. Paul Kinsler | KC | 1 | 1 Household |
| 25. North Fork Diversion (City) | NF | 1 | 1 Stockwater |