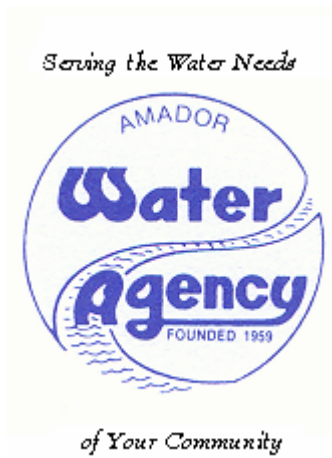


AMADOR WATER AGENCY

WATER CODE



**12800 Ridge Road
Sutter Creek CA 95685
(209)223-3018**

**Adopted March 9, 2000
Revised March 11, 2004
Revised June 9, 2005
Revised, May 17, 2006
Revised, July 2, 2007**

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ARTICLE 1 - GENERAL POLICIES AND POWERS

Section 1.00 General Policy for Operating All Agency Water Systems.

The Agency will operate and maintain all of its water systems in an efficient and economical manner and distribute and supply water as fairly and equitably as possible. The rates, fees and charges to be made for service will be set no higher than necessary to enable the Agency to recover all costs of providing water service and shall include but not be limited to any costs for:

- (a) Purchasing, pumping, treating, transmitting and distributing water;
- (b) Customer service;
- (c) Administration;
- (d) Overhead;
- (e) Debt service; and
- (f) Repair, maintenance, replacement, and improvement of facilities.

All rates, fees and charges for service shall be reviewed on a regular basis and, if necessary, adjusted so as to sufficiently recover the costs as described above. The Agency will use diligence in delivering a continuous and sufficient supply of water to its users to avoid, insofar as possible, any shortage, interruption of water supply or pressure, or any loss or damage occasioned thereby.

Section 1.01 Responsibility for Operation and Management of the Water Systems.

All Agency water systems, including but not limited to all measuring devices, shall be under the exclusive control of the Agency and managed and operated under the direction of the General Manager. The Agency shall be responsible for operating, maintaining, improving and replacing all portions of its water systems, but the Agency will not be responsible for operating, maintaining, improving or replacing water distribution facilities not owned by the Agency which are located beyond the Agency's delivery points. The installation and maintenance of an Agency measuring device on private property or within a portion of a water distribution system not owned by the Agency shall not create any obligation on the part of the Agency for operation, repair, maintenance or replacement of any works or facilities owned by others.

Section 1.02 Definition of Customers

All persons using water supplied or distributed by any of the Agency's water systems are customers of the Agency, whether their individual connection is off a private facility or Agency property, and shall pay the applicable rates, fees and charges as established by the Agency for the type of service received, except in the following cases:

- (a) persons living in areas supplied with water by an Agency resale

customer; or

- (b) persons living within commercial establishments such as hotels, apartments, rest homes and similar facilities that are being furnished commercial service through a master meter.

Section 1.03 Procedure to Obtain Service.

Service as described herein will be rendered to any applicant whose premises are within the Agency's service areas, as they now exist or may hereafter be amended, provided water is available and an application is made in accordance with Section 2.00, credit is established as required in Section 2.26, and a contract is signed where required. Where an extension of the Agency's mains is necessary, Section 2.13 applies, and if the project is of a temporary nature, Section 2.49 is applicable.

Applicants for new service and all existing customers must conform to and comply with the Agency Water Code and the Agency Water Service Rates and Charges, as such may be amended from time to time.

Section 1.04 Separate Premises.

Not more than one premises will be served from a single service connection. Should a condition exist where more than one premise is served from a single meter or single service connection, the Agency will, at its sole option, determine how such situations will be addressed based on the following options:

- (a) When the service connection serves two or more premises which are owned by the same party, the Agency will install one master meter for both premises and the owner will be the customer of record and responsible for payment of all charges; or
- (b) When the service connection serves two or more premises which are not owned by the same party, each owner will be required to provide the Agency with an easement to install a water meter and/or shut off valve on each connection to each premise; or
- (c) Owner(s) of said premises will be required to install/correct piping to each premise as necessary to allow for the installation of individual meters for each premise.

Section 1.05 Confidentiality of Customer Account Records

As authorized by law, certain information contained in the records of customer accounts of the Agency are considered confidential in nature and are not to be made available for inspection by unauthorized persons.

Section 1.06 Resale or Reuse of Water.

The customer shall not permit the use of any of the water received from the Agency

on any premises other than those specified in the customer's application for service nor may water be resold without prior approval from the Agency.

Section 1.07 Water Service to Unincorporated Areas.

No municipality, other public entity, private entity, or other wholesale customer of Agency water shall provide resale service or otherwise furnish Agency water outside of its legal boundaries, without the written consent of the Agency.

Section 1.08 Limitations on Water Use.

Use of water by an applicant on unauthorized premises, through more and/or larger meters than stated on the completed application, or for purposes not stated in the completed application shall be considered an unauthorized use and is prohibited. Water service to the applicant may be entirely discontinued pursuant to the provisions of Sections 2.34, et seq. for any such unauthorized use. Use of water on any unauthorized premises, through an unauthorized meter(s) or for unauthorized purposes shall require the submittal of a new application, and shall be subject to the availability of water supply or facility capacity at the time of such application, the payment of all applicable charges, rates and fees, including but not limited to service charges for unauthorized use and participation fees, and the rules and regulations then in effect.

Section 1.09 Priority of Service.

Treated Water Systems. If the Agency Board declares by resolution that it can no longer commit to provide treated water service from any of its treated water systems, then, at such time, the Agency shall not accept further applications for treated water service from that water system.

Untreated Water Systems. If the Agency Board declares by resolution that it can no longer commit to provide untreated water from any of its water systems, then, at such time, the Agency shall not accept any further applications for untreated water service from that system.

Section 1.10 Allocation of CAWP Water Supply.

The Agency has a limited water supply for the CAWP System. The approval of the provision of water service in connection with any annexation of land to, or the inclusion of land within, a CAWP entity shall be on the basis of first-come, first-served, with the date of the CAWP entity's notice given pursuant to paragraph 26 of the CAWP water service contracts fixing a landowner's priority date. In the event that the CAWP water supply is entirely committed, the Agency shall establish a waiting list until such supply is augmented.

Section 1.11 Water In or Supplied From the Agency's Untreated Systems.

Water in or supplied from the Agency's untreated water systems is not deemed or

claimed to be potable or of a quality suitable for human consumption, and shall not be used for such purpose. No person or customer shall use such water or make it available, or offer it to others for human consumption. Such water may not be suitable for animal consumption.

Section 1.12 Water Supply and Interruption of Delivery.

The Agency will exercise reasonable diligence and care to deliver to customers a continuous and sufficient supply of water under proper pressure at the meter. However, the Agency shall not be liable for interruption, shortage or insufficiency of supply or for any loss or damage occasioned thereby.

For purposes of making repairs or installing improvements to its water systems, the Agency shall have the right to temporarily suspend the delivery of water. The Agency will notify the customers affected as soon as circumstances permit. Repairs or improvements will be performed with due diligence and so far as possible at times that will cause the least inconvenience to the customers concerned. The Agency shall not be liable for any loss or damage occasioned by such suspension of service.

Section 1.13 Treated Water Systems.

The Agency will endeavor to supply treated water dependably and safely in adequate quantities to meet the reasonable needs and requirements of customers, subject to the limits of the amount of water and facilities available to its water systems.

Pressures.

Customers of Agency treated water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and shall hold the Agency harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service. The Agency will endeavor to maintain normal operating pressures of not less than 40 pounds per square inch (psi) nor more than 100 psi at the service connection. During periods when maximum day flow and fire flow occur simultaneously, the Agency shall endeavor to maintain pressure of not less than 20 psi.

Quality.

Whenever furnished for human consumption or for domestic uses, the Agency will endeavor to provide water that is potable, is not dangerous to health and, insofar as practicable, is free from objectionable odors, taste, color and turbidity.

Section 1.14 Untreated Water Systems.

A limited amount of water is available from the Agency's untreated water systems for irrigation, industrial, manufacturing, mining and other uses.

Pressures.

The Agency does not supply water under pressure from its untreated water systems.

Quality.

Water in or supplied from the Agency's untreated water systems is not deemed or claimed to be potable or of a quality suitable for human or animal consumption and shall not be used for such purposes. No person or customer shall use such water or make it available, or offer it to others for human or animal consumption.

Section 1.15 Waste of Water.

No person and/or customer shall cause or permit any water furnished by the Agency to run to waste in any gutter, to otherwise pool, pond or run-off of applied areas, to damage other property, to leak from the customer's water receiving equipment, or to flow from any hose which is not equipped with an automatic shut-off valve. The Agency, after two warnings by mail or personal service to the customer, may disconnect the service for failure to comply with the foregoing rule. Such service shall be restored only upon correction of the water waste condition and payment of the Service Call Fee set forth in Rate Schedule UN-3. Water wasted will be estimated and charged for in accordance with the Agency's Water Service Rates and Charges.

Section 1.16 Access Requirements.

- (a) Representatives from the Agency shall have the right of ingress and customer premises at reasonable hours for any purpose reasonably connected with the furnishing of water service, including but not limited to inspecting customer water receiving equipment, in order to protect the public health and Agency operations and facilities. When required by law, Agency representatives shall request the consent of the person or persons owning, occupying, leasing, managing or controlling the premises before entering the property for purposes of inspection. If consent is refused, Agency representatives shall apply for an inspection warrant, as defined in Code of Civil Procedure section 1822.50, to enter the property for inspection purposes.
- (b) No structure or facility, whether permanent or temporary, or any other object which is difficult to remove, shall be located within a water easement or placed in such a position as to interfere with the ready and easy access to any Agency facility. Any such obstruction, upon request of the Agency, shall be immediately removed by the violator at no expense to the Agency and shall not be replaced.

Section 1.17 Area of Encroachment on Ditch System.

It is the policy of the Agency to protect its open ditches from physical damage and

to protect the water flowing in its ditches from undue contamination. To implement this policy, the Agency shall require anyone doing work within a distance of 100 feet along the slope above or within a distance of 50 feet along the slope below its ditch to obtain approval from the Agency prior to beginning such work. For the purposes of this Section, work shall include grading, digging, brushing, spraying, burning, building, dumping, logging or any other activity that may damage the ditch and cause leakage, siltation, blockage, contamination or any other adverse impact on the normal operation of or the flow of water in the ditch.

Section 1.18 Responsibility for Loss or Damage.

The Agency shall not be responsible for any loss or damage caused by the negligence, want of proper care, or wrongful act of the customer or any of the customer's tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, using, operating or interfering with any water receiving equipment. The Agency shall not be responsible for damage caused by faucets, valves and other equipment which may be open at any time that water is turned on at the meter.

Section 1.19 Agency Equipment and Facilities on Customer's Premises.

All service pipe and equipment needed to serve a customer up to and including the meter shall be owned by the Agency whether installed (1) on public or private property, and (2) at applicant or Agency expense. Agency equipment or facilities required for service which are installed on a customer's premises may be repaired, replaced or removed by the Agency without the consent of the customer. Authorized representatives of the Agency shall have the right of access to such equipment and facilities for any purpose reasonably connected with furnishing of service. The Agency shall make no payment for placing, maintaining, repairing or replacing such equipment and facilities on the customer's premises. The customer shall exercise care to prevent damage to or interference with the operation or servicing of Agency equipment and facilities. The customer shall be liable for any damage to Agency-owned meters, locks or other equipment and facilities which is caused by the customer or customer's tenants, agents, employees, contractors, licensees or permittees, and must promptly reimburse the Agency on presentation of a bill for any such damage. If the bill is not paid within thirty (30) days after its date, interest shall accrue on the delinquent amount at the legal rate.

Section 1.20 Property Owners' Liability for Services.

Applicants for service to rental units may be the lessee or renter of the premises for which service is requested or may be the owner of said premises. Bills shall be mailed to the designated customer who shall be liable for payment. However, the owner of the premises so leased or rented shall guarantee payment of all Agency rates, fees and charges incurred for water service to his/her premises, shall otherwise be subject to the Agency Water Code and the Agency Water Service Rates and Charges, and shall be responsible jointly and severally with the

designated customer for payment of any delinquent bill. A duplicate bill will be made available to the owner upon request by the owner. During the period that a rental unit is vacant, the owner of such unit shall be responsible for all bills rendered for such unit, including but not limited to bills for monthly service charges during the time the unit is vacant and no water is used at such unit.

Section 1.21 Individual Liability for Joint Service.

Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills. One person shall be designated on the application for receipt of the bills.

Section 1.22 Identification.

Agency personnel shall identify themselves upon request for any work required by the Agency.

Section 1.23 Interference with Agency Personnel.

No person shall, during reasonable hours, refuse, resist, or attempt to resist the entrance of authorized Agency personnel into any building, plant, yard, field, or other place or portions thereof in the performance of their duties within the power conferred upon them by law or by the Agency Water Code.

Section 1.24 Delegation of Powers.

Whenever a power is granted to or a duty imposed upon the Agency pursuant to the provisions of the Agency Water Code, the power may be exercised or the duty performed by an authorized person or agent of the Agency.

Section 1.25 Validity.

To the extent that the terms and provisions of the Agency Water Code may be inconsistent or in conflict with the terms and conditions of any prior Agency resolution, ordinance, rule or regulation governing the same subject, the terms of the Agency Water Code shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior resolutions, ordinances, rules or regulations are hereby repealed.

Section 1.26 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of the Agency Water Code, or any part thereof, is for any reason held invalid, such decision shall not affect the validity of the remaining portions or any part thereof.

Section 1.27 Enforcement.

The Agency and its authorized personnel shall enforce the provisions of the Agency Water Code and for such purpose may use every lawful means at its disposal in so doing.

Section 1.28 Cumulative Remedies.

All remedies set forth in the Agency Water Code for the enforcement of rules and regulations, and the collection and enforcement of rates, charges, fees, special taxes, assessments, and penalties and interest are cumulative and may be pursued alternatively, consecutively, or simultaneously.

Section 1.29 Words and Phrases.

For the purpose of the Agency Water Code, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; all words in the singular number shall include the plural number; and words used in the masculine gender shall include the feminine and neuter.

Section 1.30 Relief on Application.

When any person, by reason of special circumstances, is of the opinion that any provision of the Agency Water Code is unjust or inequitable as applied to his use, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to him.

If such application be approved, the Board may, by motion, suspend or modify the provision complained of, as applied to such use, to be effective as of the date of the application and continuing during the period of the special circumstances.

Section 1.31 Relief on Own Motion.

The Board may, on its own motion, find that by reason of special circumstances any provision of the Agency Water Code should be suspended or modified as applied to a particular premises or to any person and may by motion, order such suspension or modification for such premises or person during the period of such special circumstances, or any part thereof.

Section 1.32 Operation of Agency Property.

No one shall at any time or in any manner operate, interfere with, or otherwise tamper with gates, locks, valves, meters or their connections, mains or other facilities of the Agency's water systems without prior authorization by the Agency.

Section 1.33 Liability.

The Agency and its directors, officers, agents, employees and volunteers shall not be liable for any injury or death to any person or damage to any property arising during or growing out of the performance of any work by any applicant or customer under the Agency Water Code. The applicant and/or customer shall be answerable for, and shall protect, defend, indemnify and save the Agency and its directors, officers, agents, employees and volunteers harmless from any and all liability, costs, losses, expenses, fines, penalties, damages, claims, demands, causes of action, judgments, and attorney's fees, arising out of or in any way connected with the applicant's and/or customer's work, except for the sole or active negligence, or

willful misconduct of an indemnified party. The applicant and/or customer shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

Section 1.34 Use of Recycled Water.

The State Legislature has determined that the use of potable domestic water for certain non-potable uses may constitute a waste or unreasonable use of water if recycled water is available which meets specified conditions. (Water Code Section 13550 et. seq.)

It is the policy of the Amador Water Agency to require that water users within the Agency retail and wholesale service areas use recycled water, wherever feasible, for future nonpotable uses when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. The Agency shall coordinate and work with Amador County and the cities within its retail and wholesale service areas to ensure that this recycled water policy is implemented.

In determining whether recycled water is feasible for a particular property or non-domestic use, the Agency shall consider the following factors:

- Whether the recycled water may be furnished for the intended use at a reasonable cost to the customer and the Agency.
- Whether the recycled water is of adequate quality and is available for the intended use.
- Whether the use of recycled water is consistent with all applicable federal, state and local laws and regulations.
- Whether the use of recycled water will not be detrimental to the public health, will not degrade water quality, will not adversely affect downstream water rights, and will not adversely affect plant life, fish and wildlife.

The Agency may provide potable water or other non-recycled water supplies for nonpotable uses when sufficient recycled water is not available after consideration of the above factors and the demands of existing recycled water customers. However, the Agency shall condition the provision of such potable water or other non-recycled water supply on the customer utilizing recycled water when it becomes available.

The use of recycled water is strictly controlled by the California Department of Health Services (DHS) and the Central Valley Regional Water Quality Control Board (CVRWQCB). The regulations governing the delivery of recycled water are found in Sections 60301, et seq. of Chapter 3 of Division 4 of Title 22 of the California Code of Regulations.

In the Agency service areas, uses of recycled water may include, but are not limited to, commercial landscape irrigation, residential or multi-family dual plumbed landscape irrigation, construction water, cemeteries, industrial process water, golf courses, car washes, and recreational impoundments.

All sites using recycled water are required to have a User Reclamation Plan (URP) or an Engineer's Report (Report) which describes the use, method of supervision, specific requirements, and other pertinent information. The use of potable water or other non-recycled water supplies for non-potable uses should be allowed only if a water balance plan is prepared that shows the replacement of the potable water or other non-recycled water supply within a reasonable period of time.

For all commercial sites, a URP approved by the Agency and DHS is required.

For all residential sites, a Report approved by the Agency and DHS is required.

ARTICLE 2 - RULES AND REGULATIONS

Section 2.00 Application For Service.

Applications for service shall be required when a premises changes ownership, where a change in customer occurs for a premises, where the premises has not been previously served, where the right to service for a premises has been forfeited, where the premises is currently served but larger and/or more meters are desired, or when elsewhere required in the Agency Water Code. Any person requesting water service shall apply to the Agency for such service on forms prescribed by the Agency. No such service shall be rendered unless a completed application for it is on file at the Agency office. If the applicant has complied with all requirements for the requested service as set forth below and is not delinquent on any account owed to the Agency, including but not limited to the payment of rates, charges, fees, assessments, standby charges and/or assessments, and special taxes, the Agency shall furnish the service requested, subject to the determination of water availability as set forth in Section 2.02.

Section 2.01 Service to Premises Currently Served not Requiring More and/or Larger Meters.

If the application is for service to premises currently supplied with water by the Agency, and applicant is not requesting more meters or a larger meter service than currently supplied, service shall be provided upon completion of the application form, submission of all other applicable information, payment of all applicable charges and credit deposits.

Section 2.02 Service to Premises not Previously Served, to Premises Where the Right to Service Has Been

Forfeited, or to Premises Currently Served but Requiring Larger and/or More Meters.

The following provisions apply to applications for service to premises not previously served, to premises where the right to service has been forfeited, or to premises currently served but not requiring larger and/or more meters.

Determination of Water Availability.

Once the applicant has completed the application for service, the Agency shall determine within sixty (60) days whether, within the applicable water system that will provide service to such premises, there is adequate water supply and facility capacity available to provide the requested service. Such determinations shall be consistent with any Agency Board resolution adopted pursuant to Section 1.09. If the determination is affirmative, then within sixty (60) days after such determination, the Agency shall request the applicant to pay all applicable charges, including those specified in subsection (b) below, which charges shall be paid within thirty (30) days after the date of the request.

If the Agency determines there is not available water supply or facility capacity within the applicable water system to provide the requested service, then the application shall be denied without prejudice and placed on a waiting list. At the time water supply and/or facility capacity within the applicable water system becomes available to serve an applicant on the waiting list, the applicant shall be so notified and, if the applicant still desires water service, the application that was denied without prejudice shall be reconsidered, and the Agency shall proceed in accordance with the provisions of the immediately preceding paragraph.

Payment of Connection, Participation and/or Annexation Fees.

Before an application will be deemed complete, the applicant must pay the connection, participation, annexation and other fees and charges applicable to the water system from which service is requested which are in effect on the date of the Agency's request for payment of such fees and charges; except as provided below:

1. If participation fees have been previously paid for the applicant's premises pursuant to a will serve commitment issued pursuant to Section 2.06 or pursuant to a prior application for water service for such premises where service has been provided previously, except as provided in Section 2.02 (e), then the applicant shall not be required to pay any participation fees, unless the applicant requests more and/or larger meters than that for which the participation fees were previously paid for such premises. In such event, the applicant shall pay the difference between the amount previously paid and the amount due for the increased number and/or larger

meters as of the date of the Agency's payment request.

Credit for Participation Fees.

Each parcel of land that existed and was within the established boundaries of the Agency's Water Improvement District Nos. 1, 2, and 4, or their predecessor agencies, as of July 26, 1990, as shown on the Amador County Assessor's Parcel Book, shall be given credit for payment of participation fees for one (1) unit of use.

No Refund of Participation Fees.

If the amount of participation fees credited to any premises exceeds the amount due pursuant to any application for service, there shall be no refund.

Payment of Participation Fees Respecting Certain Inactive and Forfeited Service Connections.

An owner of a service connection within the Agency's Amador Water System water service area which has been inactive and through which no water service has been provided since January 1, 1985, shall pay all applicable participation fees and other charges upon any application for restoration or resumption of service. An applicant for service to premises where the right to service has been forfeited shall pay the difference between the participation fees due for the service requested and those that may have been previously paid for such premises.

Section 2.03 Completed Applications.

If the applicant has supplied all of the information required pursuant to the above sections, and has paid all applicable charges and fees, including but not limited to connection, annexation and participation fees, then the application shall be deemed complete. The date of such completion shall be stated on the application. As of that date, the applicant shall be entitled to a letter of water availability, which shall be subject to the following provisions:

- (a) Applicant shall commence actual water service to the premises for which the application was made within two years after the date of completion of the application.
- (b) If the applicant does not comply with the above provisions, then the letter of water availability shall become null and void and have no further force or effect. There shall be no extensions. The applicant shall be required to file a new application for the premises and be subject to any waiting list at the time of such application; except that if the premises is covered by a will serve commitment issued pursuant to Section 2.06 (d), then the new application shall not be subject to the availability of water supply or facility capacity to the extent that the new application proposes no more or larger meters than such are

stated in the application for the will serve commitment for such premises. With respect to any new application, the applicant shall pay all applicable charges and all applicable participation fees which are in effect on the date of the Agency's payment request, less any participation fees previously paid for the subject premises.

Section 2.04 Refunds.

In the event a letter of water availability shall become null and void, the applicant shall be entitled to a refund of all monies paid, except for participation fees paid and less any costs not paid by the applicant and incurred by the Agency in connection with the application and an administrative fee of ten percent (10%) of the total fees paid, excluding participation fees. In order to be entitled to such a refund, the applicant must request the refund in writing. The written request must be delivered to the Agency or postmarked by the United States Postal Service on or before the expiration of two (2) years from the date of the letter of water availability. No refunds will be made if such request is not timely made. A request for refund shall cause a completed application and any letter of water availability issued pursuant thereto to be null and void.

Section 2.05 Change in Customer's Equipment.

Customers desiring to make any material change in the size, character or extent of the equipment utilized in receiving Agency water service, as such equipment is stated in the completed application for water service, shall give the Agency advance written notice of the extent and nature of the change. If the proposed change is for more and/or larger meters, then the customer shall submit a new application for service, and shall be subject to the availability of water supply or facility capacity at the time of such application, the payment of all applicable charges and fees, and the rules, regulations, rates and charges then in effect.

Section 2.06 Will Serve Commitments.

Letter of Water Availability.

Upon receiving a written request, the Agency shall issue a letter giving the current status of water availability to a project or parcel of land. This letter will state, in general terms and without making a commitment to serve the project or parcel, whether the project or parcel is within an existing service area of the Agency, if water supply and facility capacity are currently available to serve the project or parcel, and under what conditions service would be made available. The Agency will attempt to identify potential problems that may be associated with making water available to the project or parcel.

Application for a Will Serve Commitment.

Any developer desiring a will serve commitment for a subdivision or project shall submit an application to the Agency in a form and manner as determined by the Agency and if applicable, shall submit an approved

tentative map for the subdivision. The application shall state:

1. Date of application.
2. Name, address and telephone number of owner of the property and agent of the property owner.
3. Location and legal description of the property, number of premises to be served and proposed zoning.
4. Number and size, as such size is determined by the Agency, of meters expected for needed service.
5. Date that water service is expected for all or any part of the subdivision or project.
6. Purpose(s) for which water service will be used.
7. Such other information as the Agency may reasonably require.

Conditional Will Serve Commitment.

Upon receipt of an application and if applicable, an approved tentative map, the Agency shall first determine whether the application is complete and the submitted tentative map is effective. Upon finding that an application is complete and the map is effective, the Agency shall determine within sixty (60) days whether there is available water supply and facility capacity to serve the subdivision or project at the time of application. Such determinations shall be consistent with any Agency Board resolution adopted pursuant to Section 1.09. If the Agency determines there is not available water supply or facility capacity to serve the subdivision or project at the time of application, then the application shall be denied without prejudice and placed on a waiting list. At the time water supply and/or facility capacity becomes available to serve a developer on the waiting list, the developer shall be so notified and, if the developer still desires water service, the application that was denied without prejudice shall be reconsidered and the Agency shall follow the procedures set forth below.

If the determination is affirmative, then within sixty (60) days after such determination, the Agency shall issue a conditional will serve commitment for the subdivision or project. The conditional will serve commitment shall state that a final map for the submitted approved tentative map must be recorded or development approval must occur within two (2) years after the date of issuance of the conditional will serve commitment, shall state that a recordable agreement shall be executed between the Agency and the developer prior to recording the final map or development approval concerning the payment of participation fees consistent with Section 2.06 (f), and shall state other conditions relating to providing water service to the subdivision or project.

If the subdivision or project is within the boundaries of the Agency's Water Improvement District Nos. 1, 2 or 4, the recordable agreement shall provide that the developer shall be credited with the payment of participation fees for

one (1) unit of use for each parcel that existed and was within any such improvement district or its predecessor agency, as of July 26, 1990, as shown on the Amador County Assessor's Parcel Book, and with any participation fees paid pursuant to an annexation.

There shall be no extensions on a conditional will serve commitment. The developer shall file a new application for a will serve commitment if the developer fails to meet any of the terms of the conditional will serve commitment and shall be subject to any waiting list at the time of the filing of the new application.

Will Serve Commitment.

If the developer timely complies with all of the terms of the conditional will serve commitment, then the Agency shall issue to the developer a will serve commitment for the subdivision or project which shall obligate the Agency to provide water service to any premises within the subdivision or project to the extent that any application for water service to any such premises proposes no more or larger meters than such are stated for such premises in the application for the will serve commitment. The will serve commitment shall state that water service to any premises covered by the commitment shall not commence until the participation fee for such premises has been paid pursuant to Section 2.06 (f). There shall be no time limit on the commitment.

Refunds.

There shall be no refunds of participation fees paid.

Payment of Participation Fees.

Participation fees shall be paid at the earliest of the following: (1) by the developer at the time of the initial sale of a lot or parcel which is a part of the subdivision or the initial sale of the project or any portion thereof; (2) by the owner of the premises before such owner obtains a building permit for the premises; or (3) by the owner at the time of application for water service; provided, however, the Agency may notify the developer at the time of the issuance of the water availability letter specified in Section 2.06 (a) that all or a portion of the participation fees must be paid on or before final approval of the final map or final approval of the project if, by resolution, the Board of the Agency determines that such early payment is necessary in order to provide water service to the subdivision or project. The participation fees to be paid shall be those in effect on the date of payment.

Enforcement of Payment of Participation Fees.

A one-time basic penalty of ten percent (10%) of the participation fees due shall be added to the delinquent participation fees for the first month that the fees are delinquent. Thereafter, an additional penalty of one-half (1/2) percent per month shall be added to all delinquent participation fees and

basic penalties until such time as the delinquent fees and penalties have been paid.

Determination of Participation Fees and Capacity Charges.

When determining participation fees or capacity related charges for any water system, the fee or charge shall be based on meter size, number of physical units, or equivalent dwelling units (EDUs) based on projected annual water use whichever is greater. When considering physical units, UN-4 of the Rates and charges shall be considered where applicable. Metered connections 3/4 inch and larger shall be reviewed periodically to compare the assigned EDUs to the actual annual water use. Customers having an EDU actual use greater than fees or charges previously paid shall be responsible to pay for the additional fees or charges associated with the greater water use. (Revised March 11, 2004 - Resolution No. 2004-16)

Section 2.07 Payment of Participation Fees by Resale Customers Except CAWP Entities.

The resale customer shall pay the Water Agency participation fees for (1) each meter installed for premises not previously served water within the service areas supplied water by the resale customer, and (2) each larger meter installed for premises previously served water within the service areas supplied water by the resale customer. The participation fees for each such meter shall be in accordance with Rate Schedule AW-11. Payment shall be made to the Agency within thirty (30) days after the date that a certificate of occupancy is issued for the premises for which the meter was installed, or within thirty (30) days after the date that the meter is installed if a certificate of occupancy is not issued for the subject premises. The participation fees to be paid shall be those in effect on the date of issuance of the certificate of occupancy or on the date that the meter is installed, if a certificate of occupancy is not issued for the subject premises. Interest shall accrue on any late payment at the legal rate then prevailing.

Section 2.08 Payment of CAWP Participation Fees and CAWP Proportionate Fees Within CAWP Entities.

Subdivisions and Other Developments Requiring Amador County Approval.

With respect to subdivisions and other projects which require Amador County approval and water service from one of the CAWP entities, the developer of such subdivision or project shall submit an application to the Agency in the form specified in Section 2.06 (b). The application shall be submitted at least ninety (90) days prior to the scheduled final approval of the subdivision or project by Amador County. Upon receipt of the application, the Agency shall make the determinations described in Section 2.06©) within forty-five (45) days after receipt of the application, and within that period shall notify the developer in writing of its determinations.

If the determination is affirmative, then the developer shall execute a recordable agreement with the Agency prior to final approval of the final map for the subdivision or final approval of the project concerning the payment of CAWP participation fees consistent with Section 2.06 (f) and if applicable, the payment of CAWP proportionate fees consistent with Section 2.12 and consistent with the provisions set forth below. The recordable agreement shall provide that the developer shall be credited with the payment of participation fees for one (1) unit of use for each parcel that existed and was within a CAWP entity as of July 26, 1990, as shown on the Amador County's Assessor's Parcel Book, and with any participation fees paid pursuant to an annexation.

CAWP participation fees and if applicable CAWP proportionate fees shall be paid by the developer at the time of the initial sale of a lot or parcel which is a part of the subdivision or the initial sale of the project or any portion thereof, by the owner of the premises before such owner obtains a building permit for the premises or by the owner at the time of application for water service, whichever occurs first; provided, however, the Agency may notify the developer at the time of the notice specified above that all or a portion of the fees must be paid on or before final approval of the final map or final approval of the project if, by resolution, the Board of Directors of the Agency determines that such early payment is necessary in order to provide water service to the subdivision or project. The fees to be paid shall be those in effect on the date of payment.

There shall be no refunds of CAWP participation fees or CAWP proportionate fees paid.

Applications for Water Service within CAWP Entities.

When an application is made for water service to a premises within one of the CAWP entities, the applicant shall pay the Agency all applicable CAWP participation fees and CAWP proportionate fees based on the number of units of use for which service is requested before the service connection is made, except as provided below:

1. The applicant shall be credited with the payment of one unit of use for each parcel that existed and was within a CAWP entity as of July 26, 1990, as shown on the Amador County Assessor's Parcel Book;
2. If CAWP participation fees and CAWP proportionate fees have been paid previously for the applicant's premises, then the applicant shall not be required to pay any such fees, unless the applicant requests more and/or larger meters than that for which such fees were previously paid for such premises. In

such event, the applicant shall pay the difference between the amount previously paid and the amount due for the increased number and/or larger meters as of the date of payment.

If the amount of CAWP participation fees and CAWP proportionate fees credited to any premises exceeds the amount due pursuant to any application for service, there shall be no refund.

Section 2.09 Annexation to An Existing Improvement District.

The Agency may annex property to an existing improvement district pursuant to the provisions in the Amador Water Agency Act after receiving the applicant's written request for annexation and payment of the fees as set forth in Rate Schedule UN-3(j) for processing the annexation whether or not the annexation is finally approved.

The approval of the annexation may be subject to the construction of water facilities by the applicant necessary to obtain water service for the annexed property, the payment of applicable fees, rates, charges, taxes and/or assessments, and other terms and conditions. (Revised March 11, 2004 - Resolution No. 2004-16)

Section 2.10 Formation of an Improvement District.

The Agency may form an improvement district pursuant to the provisions of the Amador Water Agency Act after receiving the applicant's written request for formation and the applicant's agreement to pay all sums reasonably incurred by the Agency in the formation of the improvement district whether or not the improvement district is finally formed. The approval of the improvement district may be subject to the construction of water facilities by the applicant necessary to provide water service within the improvement district, the payment of fees, rates, charges, taxes or assessments associated with the operation, maintenance, repair and replacement of water facilities, and other terms and conditions. The Agency may adopt rules and regulations unique to the proposed improvement district.

Section 2.11 Annexation to the CAWP Retail Water District.

If an applicant requests annexation to the CAWP Retail Water District, such request must be approved by a majority of the CAWP entities. If so approved, the applicant shall pay CAWP Annexation Fees and all applicable CAWP Retail Water District fees consistent with the resolution declaring the annexation.

Section 2.12 CAWP Annexation Fees.

Application of CAWP Annexation Fee.

The CAWP Annexation Fee shall be paid by the property owner proposing to annex land to, or to be included within, a CAWP entity. The CAWP Annexation Fee shall be paid to the Agency within 30 days after the date of final approval of the proposed annexation or inclusion within a CAWP entity, unless otherwise specified in the resolution declaring the annexation. A CAWP Annexation Fee shall be paid for each unit of use for which the

property owner requests water service or a commitment of water service in the application for annexation or addition to a CAWP entity, and shall be paid, at the time of application for water service, for each additional unit use for which service is requested for the subject annexed land subsequent to the annexation or inclusion.

Amount of CAWP Annexation Fee.

The CAWP Annexation Fee consists of a CAWP participation fee and a CAWP proportionate fee. The amount of these fees shall be in accordance with Rate Schedule CA-11. The determination of the CAWP Annexation Fee for condominium, town house, apartment or similar type multiple dwelling units, for manufactured homes in a manufactured home park, and for commercial, industrial or other similar uses shall be in accordance with Rate Schedule CA-11.

Need for Water Facility Benefitting Only the Land Proposed to be Annexed or Included.

Where the development of land which is proposed to be annexed to or included within a CAWP entity requires certain water facilities which will benefit only that land, the owner of such land shall bear the entire cost of such water facilities and shall enter into an agreement with the Agency for the financing, construction and installation of such facilities. The obligations set forth in this subsection shall be in addition to the payment of any applicable CAWP Annexation Fees.

Deposit of CAWP Annexation Fees.

CAWP Annexation Fees shall be deposited in the Agency's CAWP capital reserve account to fund future water facilities of the CAWP system and to repay the original financing of the CAWP System. Such fees shall not be used for other purposes unless allowed by law and approved by the required vote of the CAWP entities.

Section 2.13 Main Line Extensions.

General.

The regulations in this Section apply to both the treated and untreated water systems.

Application For Extension.

Any developer requesting water service requiring the installation of new water facilities or the extension of Agency water facilities to obtain such service shall apply to the Agency for a main line extension agreement. The Agency will determine the adequacy of its existing system to serve the proposed development and will establish the facilities, including any off-tract pipelines and other facilities, required to provide the applied for service. Plans and specifications for the proposed facilities shall conform to the

standards and requirements of the Agency as to size, type and quality of materials and as to location of mains, fire hydrants, service lines, valve boxes and other facilities. A main line extension agreement covering all pipeline extensions and other required facilities shall be entered into before work is commenced; and no new service will be permitted until all terms and conditions of the main line extension agreement have been fulfilled.

Installation, Inspection and Guarantee of Facilities.

Upon approval of the main line extension agreement, the developer may cause installation of the water facilities to be constructed pursuant to the agreement. The Agency, at its sole option, may require in the agreement that it will install the facilities, in which event the developer shall advance to the Agency funds sufficient to cover the cost of construction, connection and inspection, and to cover related engineering, legal and administrative costs. Upon completion of construction, any funds advanced in excess of the actual costs to be borne by the developer will be refunded without interest. Any cost over and above the amount advanced shall be paid by developer upon demand. All construction not done by the Agency shall be done by a construction entity acceptable to the Agency in strict conformance with the Agency's standards and requirements, and such construction shall be guaranteed against any failure for a period of one year from the date of written acceptance by the Agency of the constructed facilities. The Agency may require a performance bond or cash deposit in an amount adequate to cover such guarantee. The Agency may, at its option, inspect all or part of the work or material and shall be given all possible assistance in performing such inspection. The developer shall advance monies to the Agency to cover the costs for such inspection. Upon completion of construction, the construction entity shall apply to the Agency for final inspection.

Ownership.

Upon Agency acceptance of the newly constructed facilities and their connection to the Agency's existing water system, such facilities shall become the property of the Agency in accordance with the main line extension agreement.

Payment for Extension.

The developer shall pay all costs for the installation of the facilities described in the main line extension agreement, including but not limited to service lines, fittings, valves, fire hydrants, transmission lines to connect the new facilities to the water system, and any off-tract facilities required to make water available for the developer's project. In any case where the Agency desires the installation of facilities larger than that necessary to adequately serve the developer's project, the Agency and developer shall provide for such installation and the payment of the costs therefor in the main line extension agreement.

Minimum Size Line.

The minimum size main to be installed and paid for by the developer in all main extensions shall be six inches inside diameter.

Standards of Public Agencies Having Jurisdiction of Area Where Line Installed.

Main line extensions and other facilities which will be located in an area under the jurisdiction of a public authority with ordinances, regulations or rules requiring higher minimum standards than those required by the Agency shall be built to comply with the higher standards; and the additional costs associated with compliance with the higher standards shall be borne by the developer.

Rights-of-Way.

The developer of a main line extension and other facilities shall furnish the Agency with all necessary easements and rights-of-way for such extensions and other facilities. If the developer cannot furnish such easements and rights-of-way, the Agency, at its discretion, may acquire such easements and rights-of-way; provided that the developer advances funds to the Agency sufficient to cover all of the Agency's costs of such acquisition. Any funds so advanced that are not used for such acquisition will be refunded without interest upon completion of the acquisition of the easements and rights-of-way. Conversely, any costs incurred by the Agency over and above the amount advanced by the developer shall be paid by the developer upon demand.

Exceptional Cases.

In unusual circumstances where the provisions of this Section appear unreasonable to either party, the Agency and the developer may vary said provisions in the main line extension agreement. Such modified terms and conditions shall be approved by the Board only after a report of findings and recommendation of the General Manager.

Extensions to Untreated Water Systems.

Notwithstanding any provision of this Section to the contrary, for public health reasons:

1. Main line extensions shall be made to and accepted as part of an untreated water system only upon the approval of the Board;
2. Such approval shall be given only in those instances where the main line extension is to be used solely for the purpose of delivering water for resale, industrial, manufacturing, or irrigation purposes; and
3. The Agency shall provide no refunds to the developer who

installs a main line extension connected to an untreated water system for connections to that main line.

Section 2.14 Plans.

The Agency may require the developer and/or applicant for service to provide the Agency with up to three sets of plans and specifications covering the water facilities to be installed. The plans so provided shall be the exclusive property of the Agency. The applicant shall be charged a Plan Check Fee as set forth in Rate Schedule UN-3.

Section 2.15 Service Connections.

- (a) Whenever practicable, the service connection from the Agency water main to the customer property line shall be installed at the time the main is constructed.
- (b) Whenever practicable, and upon written application and payment of the applicable service connection fee, the Agency will provide a single service connection from its existing water main to the curb line or property line of the premises abutting the street or easement in which the main is located, provided the water main being tapped has an adequate supply of water both as to quantity and pressure and the size and location of the service connection has been approved by the Agency.
- (c) Service connections shall be installed in accordance with the Agency's Standard Drawings and Specifications, and where practical, from a point directly opposite that of greatest water use on the premises. Typically, the service connection will be installed at the property line separating the parcels.
- (d) When a customer receiving service elevates or increases the pressure of the water received by means of a pump of any kind, backflow prevention shall be required in accordance with the Agency's Standard Drawings and Specifications to protect the public water supply from water reentering the main line through the service connection.
- (e) Quick closing or opening valves shall not be installed on the customer's pipes which are directly connected to the Agency's mains or service pipes. A customer whose operation requires the use of a quick opening or closing valve must operate such a device from a tank, cistern, sump or other facility which may be served by, but not directly connected with, the Agency's distribution mains and service pipes.
- (f) The customer's water line from the meter shall be installed, owned

and maintained by the customer, and it shall be maintained in a condition that will readily permit meter repair, removal or replacement without leakage.

- (g) Any property corner monuments disturbed by the Agency will be replaced by the Agency at its expense.

Section 2.16 Responsibility for Water Receiving Equipment.

- (a) The customer shall furnish and install at customer's own risk and expense that portion of the water system which begins at the outlet side of the meter. At the time of initial installation, the Agency, at the customer's expense, will install the customer's gate and ball check valve as referred to in the Agency's Standard Service Connection Drawing No.SW008 and SW009. Following installation, the gate and ball check valve shall be the property of the customer. Such water receiving equipment shall remain the property of the customer; and the customer shall be responsible for their maintenance, repair and replacement. The Agency shall have the right to require the customer to adjust, replace or discontinue using any water receiving or regulating equipment on the customer's side of the meter which disturbs or inconveniences other customers, is in disrepair or impairs Agency's facilities. The Agency does not assume the duty of inspecting the customer's service equipment, appliances or apparatus or any part thereof and assumes no liability therefor. In the event that the customer finds the water service to be defective, the customer shall notify the Agency immediately to this effect.
- (b) The customer shall be responsible for connecting their pipeline to the Agency's meter. Connections involving other than typical domestic meter sizes (5/8" x 3/4" to 2") shall require inspection by the Agency and possibly special arrangements depending on the circumstances of the connection. Such circumstances may require a main line extension agreement.
- (c) Where reduced or increased pressure is desired, the customer shall be responsible for installing and maintaining the necessary regulators, pumps and relief valves. In such cases, the equipment shall be installed on the customer's side of the meter consistent with the above provisions and at his own risk and expense. All services with more than 80 psi static pressure shall be equipped with a pressure regulator set to 60 psi maximum. The regulator shall be installed, maintained, replaced and owned by the customer. The regulator shall be installed in a separate enclosure on the customer's side of the meter.
- (d) The Agency shall have the right to terminate water service to a

customer if any part of the customer's service equipment, appliances or apparatus shall at any time be unsafe, is in disrepair, impairs Agency facilities or if the utilization of water by means thereof shall be prohibited or forbidden under the Agency Water Code or the authority of any law or local ordinance or regulation, and shall not restore service until the customer shall place his equipment, appliances or apparatus in good and safe condition and complies with all laws, ordinances and regulations applicable thereto.

Section 2.17 Backflow Prevention.

In making plumbing connections, the customer is required to comply with the regulations of the California State Department of Health Services and the United States Public Health Service. Such regulations prohibit (1) unprotected cross-connections between a public water supply and any unapproved source of water (i.e., wells), and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system.

- (a) The installation of backflow prevention assemblies shall be by and at the expense of the customer before the Agency approves or continues service. They shall be installed under the following conditions:
 - 1. Where another source of water, whether cross-connected or not, is in use or is available for use at the premises;
 - 2. Where non-potable water, contaminated liquid or soluble substances of any kind are used, produced or processed at the premises;
 - 3. Where the customer elevates or increases the pressure of water received by means of a pump of any kind;
 - 4. Where the Agency determines that because of the customer's water facilities or equipment, a backflow prevention assembly is necessary; or
 - 5. Where a premises has any sewage treatment facility or pumping station.
- (b) When check valves or other protective devices are used as a protection to the customer's plumbing system, a suitable pressure relief valve shall be installed and maintained by the customer at customer's expense. The relief valve shall be installed between the check valves and the water heater.
- (c) In special cases, the Agency may require the customer to eliminate certain plumbing or piping connections as an additional precaution to prevent backflow.
- (d) The owner of any premises on or for which check valves or other protective devices are installed shall maintain, repair and replace

these devices, and shall inspect them for water tightness and reliability at least once per year in accordance with the regulations of the California State Department of Health Services. Such inspection documentation must be provided to the Agency annually. The Agency may require more frequent inspections if, upon inspection, the device fails, or where it has been determined that the hazard justifies more frequent testing and/or inspections. (Revised March 11, 2004 - Resolution No. 2004-16)

- (e) Double-check valves and other protective devices may be inspected and tested for water tightness by the Agency when it is suspected that the device may not be operating properly or the owner has not provided proof of compliance with this Section. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the customer will be notified and requested to either correct the condition or have the inspection made at his own expense and witnessed by the Agency. The Agency shall bill the owner for its costs for such inspection which bill shall be paid within thirty (30) days after its date. Interest shall accrue at the legal rate on any delinquent amount.
- (f) Service to any premises may be discontinued if it is found that dangerous or unprotected cross-connections exist, or if any defect is found in the check valves or other protective devices. Service shall not be restored until such defects are corrected at the customer's expense and applicable Agency service restoration charges have been paid as set forth in Rate Schedule UN-3(c). (Revised March 11, 2004 - Resolution No. 2004-16)
- (g) Inspection and testing shall be performed by a State certified backflow prevention device inspector. A list of certified inspectors will be made available to the owner by the Agency.

Section 2.18 Prevention of Ground Wire Attachments.

The Agency is not responsible for providing an electrical ground through water service equipment. Accordingly, customers are cautioned not to attach any ground wiring to plumbing which is or may be connected to Agency service equipment. The customer shall liable for any damage to Agency property resulting from a ground wire attachment.

Section 2.19 Voluntary Water Conservation.

The Agency promotes an ongoing voluntary water conservation program in order to ensure that water resources available to the Agency are put to a reasonable beneficial use and that the benefits of the Agency's water supply and service extend to the largest number of persons. Each customer of the Agency is urged to install devices to reduce the quantity of water to flush toilets and to reduce the flow rate of

showers. Each customer is further urged to adopt such other water use and reuse practices and procedures as are feasible and reasonable. The Agency, at its sole discretion, may make available, for use in each residence receiving water service from the Agency, a water saving kit containing the following:

1. A device(s) for reducing toilet flush water requirements;
2. A device(s) for reducing shower flow rates;
3. A dye tablet or tablets for determining if a toilet tank leaks;
4. Other water conservation devices approved by the Agency from time to time; and
5. Other instruction and device installation information pertinent to conservation of water.

Section 2.20 Mandatory Water Conservation.

In order to conserve the Agency's water supply during a drought or other emergency for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection, the following regulations and restrictions on the delivery and use of water from the Agency shall take effect upon a declaration of a drought or other emergency by the Board or its designee:

Residential, Commercial and Public Authority Customers.

All customers shall reduce consumption by that percentage amount stated in the Board's drought or emergency declaration. Where appropriate, achievement of percentage reductions shall be determined by the Agency by comparing the customer's prior year's seasonal usage with the seasonal usage during the year of the drought or other emergency. In order to reduce consumption to the appropriate levels, the Board may determine in its drought or emergency declaration that customers shall comply with the following:

1. Discontinue watering lawns and gardens or any other irrigation between the hours of 9:00 a.m. and 7:00 p.m. In addition, the watering of lawns and gardens or any other irrigation which results in gutter, patio, driveway, walk or street flooding or other run-off shall be prohibited. Unattended watering shall be prohibited.
2. Washing of cars, boats, trailers or other vehicles by a hose without an automatic shut-off valve or by use of water directly from faucets or other outlets shall be prohibited.
3. The emptying and refilling of existing indoor and outdoor swimming pools and hot tubs shall be discontinued.
4. There shall be no washing of sidewalks, walkways, driveways, patios, parking lots, tennis courts or other hard-surfaced areas

by hose or by use of water directly from faucets or other outlets.

5. Customers shall utilize water conservation kits that may be distributed by the Agency or other water utilities.
6. Applications for service connections for new construction shall be granted upon condition that water shall be used for only interior purposes and shall not be used for lawn or garden watering or any other irrigation use for the duration of the drought or emergency.
7. Operation of decorative fountains shall be prohibited.
8. Sewer flushing with fresh water shall be prohibited.
9. Restaurants shall serve water to customers only upon request.
10. The use of water for scenic and recreational ponds and lakes, except for the minimum amount required to support fish life, shall be prohibited.

Industrial Customers.

Industrial customers shall reduce water use to the lowest possible amount that will allow continued operation. Conservation measures to be taken shall be reviewed on an individual basis; and reductions in consumption shall be established on an individual basis.

Canal and Ditch Customers.

All customers shall observe the above rules where appropriate and consistent with the Board's drought or emergency declaration, the following additional rules:

1. All irrigation service customers entitled to take one miner's inch of water constant flow shall be limited to one-half miner's inch. Customers entitled to take one-half miner's inch shall be limited to one-fourth miner's inch.
2. All irrigation service and other customers using more than one miner's inch shall reduce their consumption of water by 50 percent.
3. All customer receiving tanks shall be float-controlled; and receiving tanks and other facilities, including but not limited to pipes, shall be in proper condition to eliminate leakage and waste of water.

4. Water deliveries to resale customers serving metered accounts and water deliveries to resale customers serving unmetered accounts shall be reduced by those percentages stated in the Board's declaration of drought or other emergency.
5. In reducing water consumption, customers shall use irrigation practices that conserve water.
6. During the term of mandatory water conservation requirements, new applications for only irrigation water service shall be denied.
7. All new service applications for ditch water intended to be treated by the customer and used for domestic purposes shall be metered.

Enforcement.

Violations of mandatory water conservation requirements shall result in the following enforcement measures :

1. First violation: written warning that a further violation will result in possible water restrictions.
2. Second violation: Agency shall restrict customer's water service by inserting a device to reduce the customer water flow by the required reduction; and such restriction shall be removed only after a one-week period has elapsed, and upon payment by the customer to Agency of the applicable Service Call Fee.
3. Third violation: Agency shall restrict the customer's water service by inserting a device to reduce the customer's water flow by the required reduction; and said device shall remain in place for the duration of the drought or emergency. Prior to removal of the device the customer shall pay to the Agency the applicable Service Call Fee.

Variances.

Variances may be granted from any of the above regulations and restrictions upon application in writing stating in detail the reason therefor.

Section 2.21 Control Valve.

The customer shall install a suitable valve as close to the meter box location as practicable, the operation of which shall control the entire water supply from the service. When any customer service pipe is being replaced, such control valve shall be installed by the owner of the property at his expense if such is not already

provided.

Section 2.22 Metered Service.

- (a) A meter shall be installed with every new connection made to an Agency water system, whether treated or untreated, at the time that the service connection is installed, except as otherwise approved by the Agency.
- (b) A meter shall be installed on existing unmetered services, whether treated or untreated, upon the occasion of a change of customer at the subject premises. For the purposes of this Section, a change of customer occurs when a person different from the existing customer occupies the subject premises.
- (c) All new and existing commercial services shall be metered whether treated or untreated. For the purpose of this Section, commercial service also shall include all properties, including but not limited to residential properties, used for rental or leased purposes.
- (d) Meters normally shall be installed by the Agency at the property line or curb line in an approved housing. No rent or other charges shall be owing by the Agency for a meter or other facilities (including housing and connections) located on the customer's premises.
- (e) The size of a water meter shall be approved by the Agency and may be limited to a standard size depending on the size of the main, the available supply of water and the available pressure.
- (f) The customer's pipe shall not be connected to the Agency's service pipe until after the meter is installed.
- (g) The service connection, meter box and meter shall be owned, operated, maintained and replaced by the Agency.

The Agency shall determine whether a master meter shall be installed for a living unit complex (i.e., apartment building, condominiums, fourplex) or a meter should be installed for each individual residential unit.

Section 2.23 Charges for Service Connections.

At the time of applying for service, the customer shall pay a service connection fee in accordance with the Agency's Rate Schedule UN-1.

Section 2.24 Change to, or Relocation of, Service Connections.

A service connection may be relocated or changed with respect to size or type by

the Agency upon a customer's written request, provided the relocation or change is not detrimental to the Agency's facilities or customers and shall be subject to the provisions of the Agency Water Code in all respects. The cost of the requested relocation or change shall be borne by the customer. A deposit equal to the estimated amount of the cost of relocation or change, plus any required participation fees, shall be paid in advance of any work commencing on the relocation or change.

Any excess funds so advanced will be refunded at the completion of the work. Conversely, any additional costs incurred in excess of the amounts so advanced will be required to be paid by the customer prior to resumption of water service.

Section 2.25 Charge for Resetting Meter.

When service is discontinued for any reason, the Agency has the right to remove the meter and other equipment.

Where the meter alone has been removed, there shall be a charge for resetting a meter as provided in Rate Schedule UN-3 (h). Where the meter and other equipment have been removed, the customer shall deposit an amount estimated to equal the cost of their reinstallation as determined by the Agency. Any excess funds so advanced will be refunded at the completion of the work. Conversely, any additional costs incurred in excess of the amounts so advanced will be required to be paid by the customer prior to resumption of water service.

Section 2.26 Establishment of Credit.

Each applicant, before receiving service, will be required to establish credit, which will be deemed established under any one of the following conditions:

- (a) Applicant can provide credit references acceptable to Agency; or
- (b) Applicant has been a water or wastewater customer of the Agency within the last 12 consecutive months, whose water or wastewater service was not discontinued for nonpayment of a bill, and who received no more than two (2) termination of service notices for delinquencies during that 12-month period; or
- (c) Applicant makes a cash deposit to secure payment of water bills as prescribed in Rate Schedule UN-2.

Section 2.27 Reestablishment of Credit.

A customer whose water service has been discontinued for failure to pay bills as provided in Section 2.34 shall be required, before service is resumed, to pay said delinquent bills and to reestablish credit by depositing the amount prescribed in Rate Schedule UN-2.

An applicant who is currently a water or wastewater customer of the Agency and during the last 12 months of service has had service discontinued because of nonpayment of bills, shall be required to reestablish credit by paying all delinquent

amounts and by depositing the amount prescribed in Rate Schedule UN-2.

Section 2.28 Use of Credit Deposit.

The Agency may use all or a portion of the credit deposit as follows:

- (a) to pay any outstanding water bill and penalties thereon, and service fees which are otherwise unpaid by the customer;
- (b) to pay for the Agency's costs of collecting any unpaid service fees, water bill and penalties thereon; and
- (c) to apply to the closing bill at the time water service is terminated.

If the Agency uses all or a part of a customer's credit deposit, that customer shall be required to pay the Agency an additional sum adequate to maintain the deposit equal to the amounts prescribed in Rate Schedule UN-2 as a condition of continued water service.

Section 2.29 Return of Credit Deposit.

At such time as the Agency determines a credit deposit is no longer required, the Agency, at its sole discretion, may refund a customer's credit deposit by draft or by applying the deposit to the customer's account.

Upon discontinuance of service, the Agency will refund the customer's deposit or the balance remaining which is in excess of unpaid service fees and bills for service furnished by the Agency; provided the customer has no other accounts with the Agency that are delinquent.

Section 2.30 Interest on Credit Deposits.

No interest shall accrue or be paid on credit deposits.

Section 2.31 Standby Charges and Assessments, and Capital Facilities Fees.

A standby charge or assessment, or a capital facility fee may be imposed on developed and undeveloped land to which water service is made available whether the water is used or not.

Section 2.32 Rendering of Bills.

At the discretion of the Agency, bills for water service may be rendered monthly or bimonthly. Should the period of service be less than one billing period, the bill shall not be less than the specified fixed service charge, or minimum charge, for that billing period.

Metered Service.

Water service meters will be read at regular intervals for the

preparation of regular bills and as required for the preparation of opening, closing and special bills.

Each water service meter on a customer's premises will be considered separately and the readings of two or more meters will not be combined except where the combination of meter readings is for the Agency's operating convenience, or where necessity may require the use of more than one meter, or a battery of meters. In this case, the monthly minimum charge shall be the sum of the service charges for the meters and shall be added to the charge for water delivered through such meters calculated as though supplied through one meter.

It may not always be possible to read water service meters regularly on the same day of each period. The period between meter readings may vary between 27 days and 33 days and still be considered one month or may vary between 55 days and 65 days and still be considered two months for billing purposes.

Flat Rate Service.

At the discretion of the Agency, unmetered water service accounts shall be billed monthly or bimonthly at the end of the period for which the bill is rendered.

Non-registering Meters.

When a meter is found to have malfunctioned or ceased to record the amount of water used, a bill will be rendered to the customer based on an estimated usage. In estimating usage, due consideration will be given to fluctuations in usage caused by seasonal changes or known service interruptions. The Agency will endeavor to repair or replace such non-registering meter as soon as possible.

Unreadable Meters.

When it is not possible to read a meter due to any reason, a bill will be rendered to the customer based on an estimated usage. In estimating consumption, due consideration will be given to fluctuations in usage caused by seasonal changes or known service interruptions.

Where a meter cannot be read without undue difficulty because of an obstruction, the customer will be notified and requested to correct the condition. Subsequent to the Agency's initial notification to a customer to remove any object(s) obstructing the Agency's water meter, a charge shall be added to the customer's account each time that Agency personnel are dispatched to verify such removal as set forth in Rate Schedule UN-3(g). The Agency may discontinue service and/or impose the fee set forth in Rate Schedule UN-3 (g) if the condition is not corrected. Where service is turned off for such cause, the Agency shall require payment of a Service Call Fee as

provided for in Rate Schedule UN-3 ©).

Closing Bills.

When service is to be discontinued at the request of the customer, a bill for all services rendered up to the date of service discontinuation will be due and payable on presentation.

Section 2.33 Payment of Bills.

Location of Payment.

Bills may be paid at the Agency's office, by mail or at an approved Agency pay station or drop box.

Commencement of Billing.

The Agency shall commence billing for water service when the meter is set, unless the customer requests otherwise and the Agency approves such request.

Due Date.

Bills for water service, standby charges or assessments, fees, rates, special taxes, charges or other assessments are due upon presentation.

Penalties.

Except with respect to standby charges and/or assessments, if rates, charges, fees, special taxes, and assessments remain unpaid for 30 days after the billing date, penalties and interest shall be added to the total amount due. Penalties and interest shall be cumulative. The amount of penalties and interest are as set forth in Schedule UN-3(a) of the Water Service Rates and Charges. Monies paid when any portion of an account is delinquent shall first be credited to the delinquent portion and then to the current billing. The late payment of standby charges and/or assessments and penalties and interest on delinquent standby charges and assessments are covered in section 2.50.

Notices of Disconnection.

Any notices of disconnection shall be sent to the customer of record and to the owner of record if the customer is not the owner of the property where water service is being rendered. A charge shall be added to the customer's account each time that the Agency is required to place a door hanger at the customer's service location notifying such customer of the Agency's intent to discontinue service as set forth in Rate Schedule UN-3(e).

Charges During Disconnection and Prior to Reinstatement After Disconnection.

During the period of disconnection, the customer shall pay the monthly service charge applicable to the service to the premises. Prior to service being reinstated after a disconnection of service, the Agency shall require

payment of any delinquent bill in full, payment of any Notification Charge imposed as set forth in Rate Schedule UN-3 (e), payment of a Credit Deposit as set forth in Rate Schedule UN-2, and payment of the Service Call Fee as set forth in Rate Schedule UN-3 (f)).

Returned Checks.

A returned check fee in the amount set forth in Rate Schedule UN-3 (f) shall be added to the customer's account for each check tendered as payment that is returned unpaid to the Agency by its financial institution. The Agency may report any person whose check is returned unpaid to the Amador County District Attorney for disposition.

Collection of Unpaid Charges.

In addition to the right to discontinue any service, the Agency may collect delinquent rates, charges, special taxes, fees, assessments, penalties and interest from the customer or from the owner of the premises by an action at law, arbitration or other proceeding.

Agreement to Comply.

All customers of the Agency and owners of property served by the Agency shall be deemed to have contracted with the Agency for the services provided and to have agreed to comply with the Agency Water Code, as such may be amended from time to time.

Attorney's Fees and Costs.

In the event that the Agency is required to bring an action or other proceeding to collect delinquent rates, charges fees, special taxes, assessments, penalties and interest, or otherwise enforce any provision of the Agency Water Code, the defendant(s) shall pay any attorney's fees, costs or expenses incurred by the Agency to bring such action or proceeding in accordance with Government Code section 54356 and other applicable law.

Public Nuisance During Disconnection.

During the period of a disconnection, inhabitation of such premises by human beings shall constitute a public nuisance, whereupon the Board may cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, the defendant(s) shall pay any attorney's fees, costs or expenses incurred by the Agency to bring such action or proceeding.

Liability for Violation.

Any person violating any of the provisions of the Agency Water Code shall become liable to the Agency for any expense, loss or damage occasioned by the Agency by reason of such violation.

Forfeiture of Right to Service.

Except as otherwise provided in the Agency Water Code or by law, if any bill remains delinquent for nine (9) months and service to the premises has been disconnected or placed on inactive status whether voluntarily or involuntarily, then the right to service to the premises shall be forfeited. Any person seeking to restore water service shall apply for service in accordance with Sections 2.00, et. seq., and otherwise comply with the provisions in the Agency Water Code on restoration of service for disconnected premises.

Section 2.34 Discontinuance of Service by the Agency.

Following notification to the customer of record, water service may be discontinued by the Agency for any of the following reasons:

Non-Payment of Charges.

Water service may be discontinued by the Agency if rates or charges for water service, assessments, special taxes, fees, standby charges or assessments, or wastewater charges are not paid within the prescribed time period, or if a rate, charge, special tax, assessment or fee related to service at a previous service location is not paid within 30 days after mailing or presentation of the bill at the customer's current location. However, residential service shall not be discontinued for non-payment in any of the following situations:

1. During the pendency of any investigation by the Agency of a customer dispute or complaint.
2. When a customer has been granted an extension of the period for payment of a bill.
3. On the certification of a licensed physician or surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the Agency and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.

Residential customers who are 65 years of age or older, or who are dependent adults as defined in Section 15610.23 of the Welfare and Institutions Code shall be notified that they may request that the Agency notify a designated third person when the customer's account is past due and subject to termination.

Unsafe Apparatus.

The Agency may discontinue service if any part of the customer's

service equipment, appliances or apparatus shall be unsafe or in disrepair, impairs Agency facilities, or if the utilization of water by means of such equipment, appliances or apparatus shall be prohibited or forbidden under the Agency Water Code or the authority of any law or local ordinance or regulation.

Service Detrimental to Other Customers.

The Agency may refuse to furnish water and may discontinue service to any premises where the use of water thereon may be or is detrimental or injurious to other property or water service furnished to other customers.

Fraud and Abuse.

The Agency may refuse or discontinue water service to any premises if necessary to protect itself against fraud or abuse.

Unauthorized Use or Waste of Water, or Unauthorized Connection.

The Agency may discontinue water service when it is determined by the Agency that there is a willful waste or unauthorized use of the water being provided, or there is an unauthorized connection.

Noncompliance.

Water service may be discontinued by the Agency for failure to comply with any of the provisions of the Agency Water Code.

Section 2.35 Notice and Hearing Prior to Discontinuance of Residential Service for Nonpayment.

At least fifteen (15) days before any proposed discontinuance of residential service for nonpayment of a delinquent account, the Agency shall mail a notice, postage prepaid, to the customer to whom the service is billed of the proposed discontinuance. Such notice shall be given not earlier than nineteen (19) days from the date of mailing the Agency's bill for such service. The Agency shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone, door hanger or in person at least forty-eight (48) hours prior to any discontinuance of such service.

Every notice of discontinuance of service required by this section, shall include all of the following information:

1. The name and address of the customer whose account is delinquent.
2. The amount of the delinquency.
3. The date by which payment or arrangements for payment is required in order to avoid discontinuance.
4. The procedure by which the customer may initiate a complaint or

request an investigation concerning service or charges, unless the Agency's bill for services contains a description of that procedure.

5. The procedure by which the customer may request amortization of the unpaid charges.
6. The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources, if applicable.
7. The telephone number and name of a representative of the Agency who can provide additional information or institute arrangements for payment.

Section 2.36 Notice and Hearing Prior to a Discontinuance of Service Other than for a Discontinuance of Residential Service for Nonpayment.

Except as otherwise specifically provided herein, at least fifteen (15) days before discontinuing service, other than the discontinuance of residential service for nonpayment of a delinquent account, which is provided for in Section 2.35, the Agency shall provide the customer with a written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with an authorized Agency representative, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the authorized Agency representative shall be included in any such notice of proposed discontinuance given to a customer. Any request by the customer to have the proposed discontinuance reviewed by an authorized Agency representative must be in writing and received by the Agency prior to the date set for discontinuance. Service shall not be discontinued if a request is timely made and while the authorized Agency representative's decision is pending. If the customer is dissatisfied with the authorized Agency representative's determination, the customer may appeal the determination to the Board. Such appeal must be made in writing and received by the Agency within 5 days after the date of the authorized Agency representative's determination. Service shall not be discontinued pending the Board's decision on a timely filed appeal.

Section 2.37 Discontinuance of Service on Weekends, Holidays or After Hours.

The Agency will not discontinue water service to any customer or user because of any delinquency in payment on any Saturday, Sunday, legal holiday or at any time during which the business offices of the Agency are not open to the public.

Section 2.38 Amortization of Delinquent Bill for Residential

Service.

Every complaint or request for investigation by a residential customer that is made within five (5) days after receiving the disputed bill, and every request by a residential customer that is made within thirteen (13) days after the mailing of the notice required by Section 2.35 for an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the Agency. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination may appeal the determination to the Board. Such appeal must be made in writing and received by the Agency within 5 days after the date of the adverse determination. Service shall not be discontinued pending the Board's decision on a timely filed appeal.

Section 2.39 Authority to Settle Controversies Relating to Discontinuance and to Permit Amortization of Delinquent Bills.

The authorized Agency representative may investigate complaints and review disputes pertaining to any matters for which service may be discontinued and to rectify errors and settle controversies pertaining to such matters. The authorized Agency representative may, upon a proper showing by a residential customer of the customer's inability to pay a delinquent bill during the normal period, grant permission to amortize the unpaid balance over a reasonable period of time, not to exceed twelve (12) months. At their discretion, the authorized Agency representative may bring such controversies to the Board for settlement prior to the discontinuance of any such service.

Section 2.40 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement.

If an amortization agreement is authorized, no discontinuance of service shall be effected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement, the Agency shall not discontinue service without giving notice to the customer, at least forty-eight (48) hours prior to discontinuance, of the conditions the customer is required to meet to avoid discontinuance, but the notice does not entitle the customer to further investigation by the Agency.

Section 2.41 Notice of Discontinuance of Residential Service to Customers on Master Meters.

Whenever the Agency furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, mobile home park or

other multi-user unit where the owner or manager is listed by the Agency as the customer of record, the Agency shall make every good faith effort to inform the actual users of the service, by means of a notice, when the water billing is in arrears and that the service will be discontinued within fifteen (15) days. Such notice shall also inform the actual users that they have the right to become Agency customers without being required to pay the amount due under the delinquent account. Nothing in this section shall require the Agency to make service available to actual users unless the actual user agrees to the Agency's terms and conditions of service and meets the requirements of the Agency Water Code. If one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the Agency, or if there is a physical means, legally available to the Agency, of selectively terminating service to those actual users who have not met the requirements of the Agency Water Code, the Agency shall make service available to the actual users who have met those requirements.

Section 2.42 Procedure on Appeal to Board.

If a customer timely files an appeal of a decision of the authorized Agency representative on discontinuance of service, the Board shall set a hearing not sooner than ten nor more than forty days after receipt of such appeal. Upon setting of such hearing, the Agency shall forthwith give written notice of the time and place thereof to the customer by either first-class mail or personal delivery.

The appeal hearing shall be held before the Board. The customer or his representative shall be permitted to present witnesses, documents or other evidence to show good cause why service should not be discontinued. The Board also may examine Agency records, documents, witnesses or other evidence tending to show that service should be discontinued for one or more of the grounds stated in the notice of disconnection.

Section 2.43 Termination of Service at Customer's Request.

Water service will be turned off during regular business hours on the date requested by the customer, excepting Saturdays, Sundays and holidays, provided a 24-hour advance written notice is furnished to the Agency. The customer will be held responsible for all service rendered to his premises until the Agency has received written notice to terminate such service and such service has been terminated. Termination of service shall be subject to the Service Call Fee as set forth in Rate Schedule UN-3[©]).

Section 2.44 Blank.

(Revised March 11, 2004 - Resolution No. 2004-16)

Section 2.45 Restoration of Water Service.

Reconnection Charge.

If water service is turned off for failure to pay a bill, for noncompliance

or for other reasons, the Agency shall require payment of the Service Call Fee set forth in Rate Schedule UN-3[©]) and payment of any Notification Charge imposed pursuant to Rate Schedule UN-3(e), in addition to payment of any overdue Agency bills before restoring service. The Agency will endeavor to restore service as quickly as possible after payment has been made by the customer pending availability of the appropriate Agency personnel.

Customer Restoration.

In the event the customer restores water service or allows or causes it to be restored after it has been discontinued for any reason, the Agency may discontinue water service without notice and shall charge and collect the Service Call Fee set forth in Rate Schedule UN-3[©]) for each such event in addition to other amounts due from the customer before restoring water service. In addition, taking of water after the service has been disconnected or sealed is a misdemeanor punishable by law.

Section 2.46 Means of Enforcement Only.

The Agency hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of the Agency Water Code, and not as a penalty.

Section 2.47 Lien Recordation.

The Agency shall include a statement on its bill to each customer or property owner, or shall provide such statement to each property owner by any other means, that any water service charges, rates, assessments or fees remaining delinquent for a period of sixty (60) days may become a lien against the property served. In case any such charges, rates, assessments or fees for water service remain delinquent for more than sixty (60) days, the Agency is authorized to record a certificate in the office of the Amador County Recorder specifying the amount of such charges, rates, assessments or fees, together with any penalties and interest thereon, the subject property, and the name and address of the owner of such property.

Section 2.48 Meter Test and Adjustment of Bills for Meter Error.

Meter Tests.

A customer who questions the accuracy of the meter serving the premises may request the Agency to test that meter by giving not less than one week's notice of the date desired for the test.

The Agency may require the customer to deposit an amount to cover the cost of the test as set forth in Rate Schedule UN-3(b). The amount so deposited will be returned to the customer if the meter is found, upon test, to register more than 5% fast under conditions of normal operation. The deposit will be retained by the Agency if the meter is not more than 5% fast. (Revised March 11, 2004 - Resolution No. 2004-16)

A written report giving the results of the test will be available to the customer within a reasonable time after completion of the test.

Adjustment of Bills for Meter Error.

When, as a result of a test, a meter is found to be more than 5% fast, the Agency shall refund to the customer, without interest, the overcharge based on estimated usage for the period the meter was in use, but in no event for a period of more than six months.

When the meter is found to register more than 5% slow, the Agency may render a bill for estimated water used, but not metered, for a period not to exceed three months.

Section 2.49 Temporary Service.

Time Limit.

Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the Agency.

Charge for Water Furnished.

Charges for water furnished through a temporary service connection shall be at the established applicable rate for the type and size of metered service requested.

Installation Charge and Deposits.

The applicant for temporary service will be required:

1. To pay the Agency in advance the estimated cost of installing and removing all service facilities including the meters necessary to furnish such service as determined by the Agency. The applicant shall be responsible for the meter between the time that it is installed and the time that it is removed by the Agency.
2. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or otherwise establish credit. Bills shall be according to Agency rates for type and size of service.
3. After discontinuance of service, any funds advanced in excess of the charges for the water use and the actual costs incurred by the Agency, as determined by the Agency, including but not limited to costs associated with a damaged meter and any other Agency facility and property, will be refunded, without interest,

to the applicant. Conversely, any charges for water use and/or costs incurred by the Agency over and above the amount advanced by the applicant shall be paid upon demand to the Agency. Interest shall accrue on any delinquent amount at the legal rate.

Temporary Service Through Fire Hydrants.

The Agency may grant permission for an applicant to use water through specified fire hydrants by issuing a written permit to responsible organizations or persons. The permit shall not extend for more than thirty (30) days, unless otherwise approved by the Agency. Temporary water service through fire hydrants is interruptible and may be discontinued during peak day demands, as determined by the Agency, upon 24 hours notice. Application for a permit shall be made at least 24 hours before service is required. No person or persons shall operate or draw water from a fire hydrant for water service use without a permit.

No water shall be drawn from any fire hydrant until a deposit has been made for the installation of a hydrant meter as set forth in Rate Schedule UN-3(l). Upon completion of the use of the service, any Agency administrative costs to process the temporary water service request, in addition to any amount to cover damages to, or loss of, the hydrant meter and any other Agency facility or property, and any actual costs of Agency personnel to install and remove the meter shall be deducted from the deposit. The amount of the deposit then remaining shall be applied to the applicant's usage bill. Any deposit amount thereafter remaining shall be refunded, without interest, to applicant. Conversely, any amounts owing over and above the amount of the deposit shall be paid upon demand to the Agency. Interest shall accrue on any delinquent amount at the legal rate. The applicant shall be responsible for the meter between the time that it is installed and the time that it is removed by the Agency. (Revised May 17, 2006 – Resolution No. 2006-35)

Spanner Wrench.

No hydrant shall be operated except by the use of a spanner wrench.

Responsibility for Damages.

The applicant shall be responsible for the correct and safe operation of the hydrant valve, as improper operation can, by water hammer, damage the hydrant, the water main, valves, regulators, water services, meters and other Agency customer appliances.

Rates.

Rates for water delivered through the hydrant meter shall be at the established applicable rate as set forth in Rate Schedule UN-3(l). (Revised March 11, 2004 - Resolution No. 2004-16)

Service Through Hydrants Owned by Others.

If the hydrant is owned by others, written permission must be obtained from that owner by the applicant and presented to the Agency before service will be made available from the hydrant.

Temporary Water Service Without a Meter.

If it is not possible for the Agency to provide temporary water service at a fire hydrant through a hydrant meter, temporary service may be granted on a limited basis provided the applicant has paid the appropriate fee as set forth in UN-3(I), and has received a permit from the Agency. (Revised March 11, 2004 - Resolution No. 2004-16)

Enforcement.

In addition to any other enforcement measure provided in the Agency Water Code, the Agency may immediately terminate the supply of water to any applicant receiving any temporary service in violation of this Section or any provision in the Agency Water Code. The applicant shall be liable for all costs and charges as determined in this section and other provisions of the Water Agency Code through the date of termination, and for all reasonable expenses, including but not limited to attorney's fees, incurred by the Agency in its enforcement of this Section. Taking water from an Agency facility without proper authorization from the Agency is a misdemeanor punishable by law.

Section 2.50 Collection and Enforcement of Standby Charges or Assessments.

The following provisions shall apply to the collection and enforcement of all standby charges or assessments adopted by the Agency:

Penalties.

Penalties may be collected for late payment of standby charges or assessments in the manner and at the same rates as those which are applicable for late payment of Amador County general taxes.

Judicial Relief and Attorney's Fees.

In the event that any owner fails to pay standby charges or assessments within sixty (60) days of their due date, the owner shall be deemed to be in default and the Agency may bring a court action or other proceeding to collect such sum in default. In the event that the Agency is required to bring an action or other proceeding for collection of the amount in default, the owner shall pay any attorney's fees, costs, or other expenses incurred by the Agency to bring such action or proceeding in accordance with Government Code section 54356 and other applicable law.

Lien.

Standby charges or assessments that have not been paid within sixty (60) days of their due date are delinquent and shall be a lien on the subject premises when a certificate is filed in the office of the Amador County Recorder specifying (a) the amount of the delinquent charges, together with interest and penalties thereon, (b) the name of the owner of record of the premises which is subject to the charges, and (c) the Assessor's Parcel Number and legal description of the premises. Such lien shall have the same force, effect, and priority as a judgment lien. Within thirty (30) days after receipt of payment of all amounts due, including any recordation fees paid by the Agency, a release of the lien shall be recorded.

Collection of Delinquent Charges with Amador County Property Taxes.

Pursuant to Section 3.9 of the Amador Water Agency Act (Stats., 1975, c.63, §2), delinquent standby charges or assessments, penalties and interest may be collected in the same manner as the general Amador County taxes for the forthcoming fiscal year, as follows:

1. The Agency shall prepare a written report, which shall be filed with the Clerk of the Board. The report shall describe each premises and the amount of the delinquent charges or assessments, penalties and interest associated with each such premises.
2. The Clerk of the Board shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published at least once a week for two weeks. The Clerk of the Board also shall mail written notice of the report's filing to each affected owner. The notice shall state that the delinquencies, penalties and interest will be collected on the County tax roll.
3. At the time stated in the notice, the Board shall hear and consider all objections or protests, if any, to the report. Thereafter, the Board may adopt, revise, change, or modify the report and overrule any or all objections thereto. The Board's determination on each delinquency identified in the report shall be final.
4. Following the Board's hearing, and in sufficient time to meet the schedule established by the County for inclusion of items on the County general tax bill, the Clerk of the Board shall file with the County Auditor and the Board of Supervisors a copy of the report, signed by the Clerk of the Board, stating that the Board has adopted the report. The Clerk of the Board shall request the County Auditor to include the amount of delinquencies, penalties and interest on the bills for taxes levied against the

premises identified in the report. In such cases, the delinquent standby charges or assessments shall become a lien against the premises to which it is charged in the same manner as the County general taxes. The amount of the delinquent standby charges or assessments and any applicable penalties and interest shall be stated on the tax bill separately from all other taxes.

ARTICLE 3 - DEFINITION OF TERMS

Section 3.00 Applicability of Definitions.

The words and phrases appearing in the Agency Water Code are defined and shall be construed as hereinafter set forth, unless it shall be apparent from the context that they have a different meaning.

Section 3.01 Agency.

The Amador Water Agency.

Section 3.02 Agency Water Code.

The Amador Water Agency water service rules and regulations.

Section 3.03 Agency Representative.

Any person designated by the Board of Directors or the General Manager to perform the services or make the determinations permitted or required under the Agency Water Code.

Section 3.04 Applicant.

The person, firm, corporation, association, partnership, public entity or other entity applying to receive water service.

Section 3.05 Approved Tentative Map.

An approved or conditionally approved tentative map or vesting tentative map for a subdivision, as such terms are found in Government Code Sections 66410, et seq.

Section 3.06 Board.

The Board of Directors of the Amador Water Agency.

Section 3.07 CAWP.

The Central Amador Water Project.

Section 3.08 CAWP Entities.

CAWP Entities shall include Pine Grove Community Services District, Rabb Park Community Services District, First Mace Meadows Water Association and the Agency's Buckhorn Water System.

Section 3.09 CAWP Annexation Fee.

CAWP Annexation Fee shall be composed of a participation fee and a proportionate fee.

Section 3.10 Commercial Service.

Provision of water for use by customers engaged in business or trade, or to any premises used for rental purposes, including but not limited to residential units.

Section 3.11 Common Trench.

A trench in which a water line is placed in conjunction with other utility facilities.

Section 3.12 Contractor.

A contractor is an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done.

Section 3.13 Customer.

The person or persons, corporation, partnership or other agency or entity of record receiving water service from the Agency.

Section 3.14 Date of Presentation.

The date upon which a bill or notice is mailed or delivered personally to a customer.

Section 3.15 Developer.

The person or entity desiring a will serve commitment for a subdivision or project and/or desiring to extend and/or construct water facilities necessary for his subdivision or project, or for water service to his property generally.

Section 3.16 District.

A region with defined boundaries being serviced and maintained by the Amador Water Agency.

Section 3.17 Domestic Service.

The delivery and sale of water for normal residential purposes.

Section 3.18 Equivalent Dwelling Unit.

The equivalent water usage for one 5/8x3/4 inch metered service connection.

Section 3.19 Final Map.

A final map or parcel map which is recorded for a subdivision pursuant to California Government Code Sections 66464, et seq.

Section 3.20 General Manager.

The General Manager of the Agency or other person designated to perform the services or make the determinations permitted or required of the General Manager.

Section 3.21 Industrial Service.

The furnishing of water to a customer for use in manufacturing or processing activities.

Section 3.22 Irrigation Service.

The furnishing of untreated water for use in the production of crops or livestock, including any use incidental thereto for domestic or stock watering purposes, and other irrigation uses as provided by law.

Section 3.23 Mains.

Any pipelines located in streets, highways and public ways or in special cases on private rights-of-way for the serving of the general public.

Section 3.24 Main Extensions.

The extension of water mains as distinguished from service connections.

Section 3.25 Meter Rate.

A charge for measured quantities of water service.

Section 3.26 Municipal Service.

The furnishing of water to governmental entities for their own use in and on property owned by the entity and not for resale.

Section 3.27 Multiple Dwelling.

A dwelling or building that contains 2 or more residential units.

Section 3.28 Multiple Use Charge.

A monthly charge in addition to the basic Monthly Service Charge where there exists one metered service connection to more than one residential unit, commercial enterprise or other definable use by the Agency.

Section 3.29 Non-Owner Applicant.

A renter or lessee of the premises to be supplied with water service.

Section 3.30 Owner.

Any person who by contract of sale, deed with security as trust deed, mortgage, or other evidence of indebtedness, estate, or other color of right, or color of title, has fee title or demonstrates, or ostensibly demonstrates the authority to grant, or accept the incidents of ownership to any lot, premises or parcel of land.

Section 3.31 Participation Fee.

A fee which will be used to finance, construct and install water facilities.

Section 3.32 Premises.

A lot or parcel of real property or portion thereof, including any improvements thereon, or any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or

occupation or any commercial or industrial activity which is determined by the Agency to be a single unit for the purpose of receiving, using and paying for water service.

Section 3.33 Proportionate Fee.

Proportionate Fee shall mean that portion of the CAWP Annexation Fee reflecting a proportionate share of the costs of the original financing for the CAWP.

Section 3.34 Raw Water Conveyance System.

That portion of a water system that conveys raw water to Agency treatment facilities and/or raw water customers. This may include pipelines as well as canals and ditches.

Section 3.35 Resale Service.

The furnishing of water for resale purposes to customers who have contracted for such service.

Section 3.36 Residential Service.

The furnishing of water for household residential purposes, including water used for sprinkling lawns, gardens and shrubbery, and other similar purposes. Residential service shall not include water service to commercial establishments, such as hotels, motels, mobile home courts, apartments and similar establishments unless service to each unit is on a separate meter.

Section 3.37 Residential Unit.

An apartment, house, condominium, manufactured home or other single family residence.

Section 3.38 Service Charge.

This is a readiness-to-serve charge applicable to all active water service accounts whether water is used or not. A water use charge may be added to the service charge which will be computed at the applicable Volume (Quantity) Rate.

Section 3.39 Service Connection.

The tapping of a water main and the laying of pipe from the main to the meter as located by the Agency, including a service saddle, corporation stop, curb stop and meter box.

Section 3.40 Subdivision.

A subdivision as defined by Section 66424 of the California Government Code.

Section 3.41 Unit of Use.

The average water use of a single family residence which is equivalent to the capacity of a 5/8" by 3/4" meter.

Section 3.42 Untreated Water.

Water which has not been treated and is not potable or considered suitable for human consumption. Such water may not be suitable for animal consumption.

Section 3.43 Water Service Rates and Charges.

The water rates, charges, special taxes, fees, standby charges or assessments, and assessments adopted from time to time and amended from time to time by the Agency for its water systems.

Section 3.44 Water System.

All of the pipelines, treatment facilities, canals, flumes, tunnels, measuring devices, rights-of-way and other appurtenant works, facilities, and properties acquired by the Agency for the purpose of furnishing water service.

ARTICLE 4 - APPENDIX

Section 4.00 Amador Water Agency Water Service Rates and Charges

(See attached)