



Filing Receipt

Received - 2022-02-04 10:48:34 AM

Control Number - 53075

ItemNumber - 251

District Service Policy

TABLE OF CONTENTS

- SECTION A. RESOLUTION AND AUTHORITY
- SECTION B. STATEMENTS
- SECTION C. DEFINITIONS
- SECTION D. GEOGRAPHIC AREA SERVED
- SECTION E. SERVICE RULES AND REGULATIONS
1. Service Entitlement
 2. Application Procedures and Requirements (Sample Application Packet)
 3. Activation of Standard Service
 4. Activation of Non-Standard Service
 5. Changes in Service Classification
 6. Denial of Service
 7. Applicant's Recourse
 8. Insufficient Grounds for Refusal of Service
 9. Deferred Payment Agreement (Miscellaneous Transaction Forms)
 10. Charge Distribution and Payment Application
 11. Due Dates, Delinquent Bills, and Service Disconnection Date
 12. Rules for Disconnection of Service
 13. Billing Cycle Changes
 14. Back-Billing
 15. Disputed Bills
 16. Inoperative Meters
 17. Bill Adjustment Due to Meter Error
 18. Meter Tampering and Diversion
 19. Meter Relocation
 20. Prohibition of Multiple Connections to a Single Tap
 21. Customer's Responsibility
 22. Prohibited Plumbing Practices
 23. Excluded Flow and Waste
 24. Connection of Water Service
 25. Standards for Water Service Lines
 26. Enforcement for Violations of Rate Order
- SECTION F. DEVELOPER, SUBDIVISION, and NON-STANDARD SERVICE REQUIREMENTS
1. District's Limitations
 2. Purpose
 3. Application of Rules
 4. Non-Standard Service Application (see Sample Application Packet)
 5. Design
 6. Non-Standard Service Contract

7. Property and Right-of-Way Acquisition (See Sample Application Packet)
8. Bids for Construction
9. Pre-Payment for Construction and Service
10. Construction
11. Service Within Subdivisions

SECTION G.**RATES AND SERVICE FEES**

1. Classes of Users
2. Service Investigation Fee
3. Deposit
4. Easement Fee (Sample Application Packet)
5. Installation Fee (Tap Fee)
6. Monthly Charges
7. Late Payment Fee
8. Owner Notification Fee (Miscellaneous Transaction Form)
9. Returned Check Fee (Miscellaneous Transaction Form)
10. Reconnect Fee (Re-Service Fee)
11. Service Trip Fee
12. Equipment Damage Fee
13. Customer History Report Fee
14. Meter Test Fee (Miscellaneous Transaction Fee)
15. Transfer Fee (Miscellaneous Transaction Fee)
16. Non-Disclosure Fee
17. Information Disclosure Fee
18. Customer Service Inspection Fee
19. Franchise Fee Assessment
20. Regulatory Assessment
21. Additional Assessments
22. Groundwater District Production Fee
23. Other Fees

SECTION H.**DROUGHT CONTINGENCY AND EMERGENCY WATER DEMAND
MANAGEMENT PLAN**

1. Introduction
2. Public Involvement
3. Coordination with Regional Water Planning Group
4. Trigger Conditions
5. Stage Levels of Water Allocations
6. Initiation and Termination Procedures
7. Penalties for Violations
8. Exemptions or Waivers
9. Implementation

SERVICE APPLICATION FORMS

1. Service Application and Agreement Form
2. General Type Right-of-Way Easement Form
3. Specific Type Right-of-Way Easement Form

4. Non-Standard Service Contract Form

MISCELLANEOUS TRANSACTION FORMS

1. Form #1 Service Inspection Certification
2. Form #2 Notice to Developers and Subdividers of Property
3. Form #3 Customer Notice for Water Rationing
4. Form #4 Customer Notice of 2nd Violation
5. Form #5 Customer Notice of Subsequent Violation
6. Form #6 Termination Notice
7. Form #7 Notice of Returned Check
8. Form #8 Meter Test



DEAN DALE DISTRICT RATE ORDER

January 1, 2009

01/01/09 02:07:11
Dean Dale Special Utility District
Wichita Falls, TX 76305

**Dean Dale Special Utility District
6741 State Hwy 79 N
Wichita Falls, TX 76305
(940) 766-2255
Fax: (940) 322-5302
deandalesud.com**

**RESOLUTION BY DEAN DALE DISTRICT ADOPTING A SERVICE POLICY
AND ESTABLISHING RATES, FEES, ADOPTING RULES AND
REGULATIONS RELATING TO THE ADMINISTRATION OF ITS UTILITY
SERVICES, AND PROVIDING FOR ENFORCEMENT FOR VIOLATING THIS
SERVICE POLICY**

WHEREAS, the Dean Dale District (the "District") has provided facilities for the production and distribution of potable water to residential and business users within its authorized service areas;

WHEREAS, Section 49.212, Texas Water Code, authorizes the District to adopt and enforce all necessary charges, rates, fees, or rentals, and other terms and conditions for providing any district services;

WHEREAS, the Board of Directors has carefully considered the matter and is of the opinion that the following fees, charges, rates, rules, regulations, and enforcement procedures are necessary for the safe and efficient management of the District's utility facilities; NOW THEREFORE,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF DEAN DALE DISTRICT, 6741 STATE HWY 79N, WICHITA FALLS, TX, 76305, CLAY COUNTY, TEXAS, that the following Service Policy is adopted and establishes the fees charges, rules, regulations, and enforcement procedures for the District's water and shall be effective on January 1, 2009.

SECTION A.
RESOLUTION & AUTHORITY

1. This Service Policy was adopted by resolution by the Board of Directors of the District on December 9, 2008. This Service Policy supersedes all utility service policies, rules and tariffs adopted or passed by the Board of Directors prior to January 1,2009.
2. The adoption of this Service Policy shall not affect any violation or act committed or done, or any penalty or forfeiture incurred, or any contract or vested right established or accrued under any prior Service Policy.
3. An original of this Service Policy as approved shall be maintained in the records of the District and all additions, deletions and changes thereto shall be clearly exhibited.
4. Rules and regulations of state and federal agencies having applicable jurisdiction, promulgated under any applicable state or federal law, shall supersede all terms of the Service Policy that directly conflict with such state and federal rules or regulations. If any section, paragraph, sentence, clause, phrase, word or words of the Service Policy are declared unconstitutional or in violation of law, the remainder of the Service Policy shall not be affected thereby and shall remain in full force and effect.
5. This Service Policy is immediately effective upon the date of adoption unless otherwise specified.

SECTION B.

STATEMENTS

1. **Organization.** The Dean Dale District is a Political Subdivision of the State of Texas organized under Chapters 49 and 65 of the Texas Water Code for the purpose(s) of furnishing potable water service to The community of Dean and the surrounding rural areas. The management of the District is controlled by the Board of Directors who is responsible for adopting all District service policies, rates and regulations. The members of the Board of Directors are elected by the registered voters residing within the District's boundaries.
2. **Non-Discrimination Policy.** Service is provided to all Applicants who comply with the provisions of this Service Policy regardless of race, creed, color, national origin, gender, disability, or marital status.
3. **Policy and Rule Application.** These policies, rules, and regulations apply to the water services provided by the District. Failure on the part of the Customer or Applicant to observe these policies, rules and regulations gives the District the authority to deny or discontinue service according to the terms of this Policy.
4. **Fire Protection Responsibility.** The District generally does not provide nor does it imply that fire protection is available on any of the distribution system, except where expressly specified and agreed to by the District. All hydrants or flush valves are for the operation and maintenance of the system and may be used for refill only by authorized fire departments. The District reserves the right to remove any hydrant, due to improper use or detriment to the system as determined by the District, at any time without notice, refund, or compensation to the contributors.
5. **Liability.** The District is not liable for damages caused by service interruptions, events beyond its control, and for normal system failures.
6. **Information Disclosure.** The records of the District shall be kept in the District's office in Dean, Texas. All information collected, assembled, or maintained by or for the District shall be disclosed to the public in accordance with the Texas Public Information Act. A reasonable charge as established pursuant to the Texas Public Information Act may be assessed to any person requesting copies of District records. An individual customer may request in writing that their address, telephone number, account record of water use or social security number be kept confidential. Such confidentiality does not prohibit the utility from disclosing this information to an official or employee of the state or a political subdivision of the state acting in an official capacity or an employee of the District acting in connection with the employee's duties.
7. **Customer Notice Provision --** The District will give written notice of a monthly water rate change by publication, mail or hand delivery to all affected customers at least thirty (30) days prior to the effective date of the new rate. The notice shall contain the old rates, new rates, effective date of the new rates, date of Board authorization, and the name and phone number of the District representative designated to address inquiries about the rate change. Failure of the District to give the notice shall not invalidate the effective date of the change, the amount of the newly adopted rate nor any charge incurred based on the new rate.

8. ***Customer Service Inspections.*** The District requires that a customer service inspection certification be completed prior to providing water service to new construction and for all new customers as part of the activation of standard and non-standard service. Customer service inspections are also required on any existing service when the District has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction or addition to the customer's water distribution facilities. This inspection is limited to the identification and prevention of cross connections, potential contaminant hazards and illegal lead materials. (30 TAC 290.46(i-j))

9. ***Submetering Responsibility.*** Submetering and Non-Submetering by Master Metered Accounts may be allowed in the District's water distribution system provided the Master Metered Account customer complies with the Texas Commission on Environmental Quality Chapter 291 Subchapter H rules pertaining to Submetering. The District has no jurisdiction over or responsibility to the tenants. Tenants receiving water under a Master Metered Account are not considered customers of the District. Any interruption or impairment of water service to the tenants is the responsibility of the Master Metered Account Customer. Any complaints regarding submetering should be directed to the Texas Commission on Environmental Quality.

SECTION C. DEFINITIONS

Applicant – A person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity applying for service with the District.

Authorized Representative or District Representative -- The General Manager of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed by this Policy pursuant to either general or specific authorization to do so from the General Manager or the Board of Directors of the District.

Board of Directors -- The governing body of the District elected by the registered voters within the District's boundaries in accordance with the applicable election laws.

Customer – Any person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity having District's service at any specified premises.

Defined Service Area – That area within which water services are provided to customers and that includes the area within the District's boundaries (and/or the area described within CCN Number 11049.

Deposit – A non-interest bearing fee as set by the Board of Directors based upon the size of the water meter which is held by the District as security for service being rendered.

Developer – Any person, partnership, cooperative corporation, corporation, agency, or public or private organization who subdivides land or requests two (2) or more water service connections on a single contiguous tract of land [as defined in Chapter 13.2502 (e)(1) of the Water Code].

Disconnection of Service -- The discontinuance of water service to a customer of the District.

District -- The Dean Dale District.

District's Water System --The water production, treatment, and distribution facilities operated or to be constructed by the District as currently operating and any water system extensions or improvements which may be built within the District in the future.

Easement -- A perpetual right-of-way dedicated to the District for the installation of water pipelines and necessary facilities which allows access to property for future operation, maintenance, facility replacement, facility upgrades, and/or installation of additional pipelines for both service to a customer/applicant and system-wide service. This may also include restrictions on the adjacent area to limit the installation of other facilities that would restrict the use of any area of the easement. The District maintains and occasionally updates a standard easement which must be provided prior to service to a new customer or new service connection.

Final Plat -- A complete and exact plan for the subdivision of a tract of land which has been approved by all regulatory agencies having jurisdiction over approval of the design, planning and specifications of

the facilities of such subdivision.

Hazardous Condition -- A condition that jeopardizes the health and welfare of the customers of the District as determined by the District or any other regulatory authority with jurisdiction.

Master Meter -- A meter that serves two or more connections.

Re-Service -- Providing service to an Applicant at a location at which service previously existed and at which there is an existing setting for a meter. Costs of such re-servicing shall be as established in the District's Rate Order or based on justifiable expenses in connection with such re-servicing.

Revenues -- Any funds received for water service, tap fees, service charge fees, disconnect fees, reconnection fees or any and all other charges except for service deposits that may be charged and collected by the District from the ownership and operation of its water systems.

Service Application and Agreement -- A written agreement on the current service application and agreement form between the Applicant and the District defining the specific type of service requirements requested, and the responsibilities of each party regarding the service to be provided.

Service Classification/Unit -- The type of water service required by an Applicant as may be determined by the District based on specific criteria such as usage, meter size, demand, type application, and other relevant factors related to the Applicant's request. The base unit of water service used by the District in facilities design and rate making in this Rate Order is a 5/8" X 3/4" water meter.

Subdivide -- To divide the surface area of land into lots or tracts. (Local Government Code Chapter 232, Section 232.021 Definitions)

Subdivider -- An individual, firm, corporation, or other legal entity that owns any interest in land and that directly or indirectly subdivides land into lots as a part of a common promotional plan in the ordinary course of business. (Local Government Code Chapter 232, Section 232.021 Definitions)

Subdivision -- An area of land that has been subdivided into lots or tracts. (Local Government Code Chapter 232, Section 232.021 Definitions)

Temporary Service -- The classification assigned an applicant that is in the process of construction. This could also apply to service for uses other than permanent (agricultural, road construction, drilling, livestock, etc.). The Board will set the length of time associated with this classification.

Texas Commission on Environmental Quality (TCEQ) -- State regulatory agency having jurisdiction of water and sewer service utilities and appellate jurisdiction over the rates and fees charged by the District.

**SECTION D.
GEOGRAPHIC AREA SERVICE**

CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code and Texas
Commission on Environmental Quality Substantive Rules.

Certificate No. 11049

I. Certificate Holder:

Dean Dale Special Utility District
6741 State Hwy 79 N
Wichita Falls, Texas 76305-2765

II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 13 miles north west of downtown Henrietta, Texas on Highway 287. The service area is generally bounded on the north by Farm to Market Road 1177, on the south by Highway 287 and on the west by Farm to Market Road 171, and on the east by a line 2.5 miles west of State Highway 148 in Clay County, Texas.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official service area map, WRS-39, maintained in the offices of the Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 with all attendant privileges and obligations.

This certificate is issued under Application No 32277-C and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: January 1, 2009

Approved 01/01/09

Dean Dale SUD

SECTION E.
SERVICE RULES AND REGULATIONS

1. ***Service Entitlement.*** An Applicant requesting service within the boundaries of the District or the District's defined service area shall be considered qualified and entitled to water utility service when proper application has been made, terms and conditions of service have been met and continue to be met, and all fees have been paid as prescribed. An Applicant requesting service outside the District's boundaries or defined service area shall be considered for service in accordance with current District policies on providing service outside the District boundaries or CCN service area.

2. ***Application Procedures and Requirements.*** For the purposes of this Service Policy, service shall be divided into the following two classes:
 - a. **Standard Service** is defined as service on an existing pipeline where pipeline or service facility extensions are not required and special design and/or engineering considerations are not necessary. Typically, this would include 5/8" X 3/4" or 3/4" sized water meter services set on existing pipelines.
 - b. **Non-Standard Service** is defined as any service request which requires a larger meter service, service to a Master Metered Account (see E. 2. c. (4) of this section), or an addition to the supply, storage and/or distribution system. The service requirements as prescribed by Section F of this Service Policy shall be required of the Non-Standard Service Applicant prior to providing service.
 - c. **Requirements for Standard and Non-Standard Service.**
 - 1) The District's Service Application and Agreement Form shall be completed in full and signed by the Applicant.
 - 2) A Right-of-Way Easement Form, or other such easement form, approved by the District, must be completed by the Applicant for the purpose of providing water to the applicant and to allow for future facility additions.
 - 3) On request, the District shall install individual meters owned by the District in an apartment house, manufactured home rental community, multiple use facility, or condominium on which construction begins after January 1, 2003, unless the District determines that installation of individual meters is not feasible. If the District determines that installation of meters is not feasible, the property owner or manager shall install a plumbing system that is compatible with the installation of submeters or individual meters. The District shall be entitled to the payment of costs, including the costs of individual meter installations, as provided in Section F.4. The cost of individual meter installation shall be prepaid by the property owner as well as the cost of any additional facilities or supply occasioned by the total water service demand represented by full occupancy of the property, as determined under applicable provisions of Section F.
 - 4) The District shall consider master metering service to apartments, condos, trailer /RV parks, or business centers and other similar type enterprises at an Applicant's request provided the total number of units to be served are all:

- (a) owned by the same person, partnership, cooperative, corporation, agency, public or private organization of any type but not including a family unit,
 - (b) directly inaccessible to public right-of-way, and
 - (c) considered a commercial enterprise; i.e. for business, rental, or lease purposes.
- 5) Notice of application approval and costs of service determined by the District shall be presented to the Applicant in writing and shall remain in effect for a period not to exceed thirty (30) days. After that time the Applicant must re-apply for service
- 6) If the water main has been located in the public right-of-way and is adjacent to Applicant's property due to the current or previous landowner's refusal to grant an easement to the District for the purpose of installing the water main and appurtenances, and the District has documentation of such refusal, the Applicant, prior to receiving the requested service, shall grant the easements required under this Service Policy and in addition to the normally required fees for new customer service, shall pay such sums as are reasonably necessary to cap the existing line in the ROW and construct the appropriate line or lines within that easement for the District's system-wide service. (See Miscellaneous Transaction Forms)

3. **Activation of Standard Service.**

- a. **New Tap** -- The District shall charge a non-refundable service installation fee and a refundable deposit as required under Section G of this Service Policy. The service installation fee shall be quoted in writing to the Applicant. All fees shall be paid or a deferred payment contract signed in advance of installation. (30 TAC 291.86 (a)(1)(A))
- b. **Re-Service** -- For re-service the District shall charge the deposit fee and other costs necessary to restore service. When re-service is requested by an applicant owing any delinquent charges on previous service received from the District, all delinquent charges must be paid before re-servicing procedures can begin. In no event will a capital improvement fee or capital impact fee be charged for a re-service event.
- c. **Performance of Work** -- After approval is granted by proper authorities, all tap and equipment installations specified by the District shall be completed by the District staff or designated representative. No person, other than the properly authorized agent of the District, shall be permitted to tap or make any connection with the mains or distribution pipes of the district's water system, or make any repairs or additions to or alterations in any tap, pipe, cock or other fixture connected with the water service pipe. The tap for a standard service request shall be completed within five (5) working days whenever practicable, but not later than ten (10) working days after approval and receipt of payment of quoted fees on the property designated to receive service. This time may be extended for installation of equipment for Non-Standard Service Request. (see Section F. , 30 TAC 291.85)
- d. **Inspection of Customer Service Facilities** -- The property of and the facilities at the service connection shall be inspected to insure compliance with state required Minimum Acceptable Operating Practices for Public Drinking Water Systems as promulgated by the Texas Commission on Environmental Quality or successor agency. The customer must, at his or her expense, properly install any backflow prevention device required by the District. (30 TAC 290.46(j))

4. **Activation of Non-Standard Service.**
 - a. **Activation of Non-Standard Service** shall be conducted as prescribed by the terms of Section F of this Service Policy.
 - b. **Re-Service** – The same terms which apply under the Activation of Standard Service Sub-Section on Re-Servicing shall be applied to Non-Standard Re-Service requests. (Section E. 3. b.)

5. **Changes in Service Classification.** If at any time the District determines that the customer service demands have changed from those originally applied for to a different service classification and the District determines that additional or different facilities are necessary to provide adequate service, the District shall require the Customer to re-apply for service under the terms and conditions of this Service Policy. Customers failing to comply with this provision shall be subject to the Disconnection with Notice Provisions of this Service Policy, Sub-Section 15.a.

6. **Denial of Service.** The District may deny service for the following reasons:
 - a. Failure of the Applicant to complete all required easements and forms and to pay all required fees and charges;
 - b. Failure of the Applicant to comply with rules, regulations, policies, and bylaws of the District;
 - c. Existence of a hazardous condition at the Applicant's property which could jeopardize the welfare of other customers of the District upon connection;
 - d. Failure of Applicant to provide representatives or employees of the District reasonable access to property for which service has been requested;
 - e. Applicant's service facilities are known to be inadequate or of such condition that satisfactory service cannot be provided.

7. **Applicant's Recourse.** In the event the District refuses to serve an Applicant under the provisions of this Service Policy, the District must notify the Applicant, in writing, of the basis of its refusal. The Applicant may file for an appeal, in writing, with the Board of Directors of the District.

8. **Insufficient Grounds for Refusal of Service.** The following shall not constitute sufficient cause for the refusal of service to an Applicant:
 - a. Delinquency in payment for service by a previous occupant of the premises to be served;
 - b. Failure to pay a bill to correct previous underbilling due to misapplication of rates more than six (6) months prior to the date of application;
 - c. Violation of the District's rules pertaining to operation of non-standard equipment or unauthorized attachments which interferes with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said requirements;
 - d. Failure to pay the bill of another customer at the same address except where the change of customer identity is made to avoid or evade payment of a utility bill; or
 - e. Failure to comply with regulations or rules for anything other than the type of utility service specifically requested.

9. **Deferred Payment Agreement.** The District may offer a deferred payment plan to a Customer who cannot pay an outstanding balance in full and is willing to pay the balance in reasonable

installments as determined by the District, including any Late Penalty Fees or interest on the monthly balance to be determined as per agreement. (See Miscellaneous Transaction Forms.)

10. ***Charge Distribution and Payment Application.***

- a. **The Service Availability Charge** is billed on a monthly basis. Charges shall be prorated for meter installations and service terminations falling during the billing period.
- b. **Gallonge Charge** shall be billed at the rate specified in Section G and billing shall be calculated in one thousand (1000) gallon increments. Water charges are based on monthly meter readings and are calculated from reading date to reading date. Readings used in all billing calculations shall be taken by the District's employees or designated representative.
- c. **Posting of Payments** -- All payments shall be posted against previous balances prior to posting against current billings.

11. ***Due Dates, Delinquent Bills, and Service Disconnection Date.***

- a. The District shall mail all bills on or about the 25th of the month. All bills shall be due and payable upon receipt and are past due beyond the date indicated on the bill (allowing approximately fifteen (15) days to pay), after which time a penalty shall be applied as described in Section G. A bill is delinquent if not paid on or before the past due date. Payments made by mail will be considered late if postmarked after the past due date. A five (5) day grace period may then be allowed for delayed payments prior to mailing of final notices. Final notices shall be mailed allowing ten (10) additional days for payment prior to disconnection. The ten (10) additional days shall begin on the day the final notice is deposited with the U.S. Postal Service with sufficient postage. If the past due date for the regular or final billing is on a weekend or holiday, the past due date for payment purposes shall be the next day the District office is open for business after said weekend or holiday. For all disputed payment deadlines, the date postmarked on each bill will determine the beginning of each billing cycle or final notice mailings.
- b. **Returned Checks** -- The District shall mail, via the U.S. Postal Service, a notice requiring redemption of the returned instrument within ten (10) days of the date of the notice to be made in the District office. Redemption of the returned instrument shall be made by cash, money Service Policy, or certified check. Failure to meet these terms shall initiate disconnection of service. (see Miscellaneous Transaction Forms) Any such instruments returned as insufficient or non-negotiable for any reason for any two billing periods within a 12-month period shall be considered evidence of bad credit risk by the District. The Customer in violation shall be placed on a "cash-only" basis for a period of 12 months.

NOTE: "cash only," means certified check, money order, or cash.

- Upon written request, any residential customer 60 years of age or older who occupies the entire premises of a dwelling receiving water utility service from the District shall receive extension of the past due date, without penalty. The extension shall not exceed ten (10) days beyond the usual fifteen (15) day payment period for a total of no more than twenty-five (25) days from the date the bill is issued. The request may specify

extension of the late payment periods for current and subsequent billings. (Reference Utilities Code Section 182.001 - 182.005)

12. **Rules for Disconnection of Service.** The following describes the rules and conditions for disconnection of service.
- a. **Disconnection with Notice** -- Water service may be disconnected for any of the following reasons after proper notification has been given.
- 1) Returned Checks – See 11b above.
 - 2) Failure to pay a delinquent account for water service, failure to timely provide a deposit or failure to comply with the terms of a deferred payment agreement (Miscellaneous Transaction Forms);
 - 3) Violation of the District's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of non-standard equipment if a reasonable attempt has been made to notify the Customer and the Customer is provided with a reasonable opportunity to remedy the situation;
 - 4) Failure of the Customer to comply with the terms of the District's Service Agreement, Service Policy, Bylaws, or Special Contract provided that the District has given notice of said failure to comply, and Customer has failed to comply within a specified amount of time after notification.
 - 5) Failure to provide access to the meter under the terms of this Service Policy or to property at which water service is received when there is reason to believe that a hazardous condition or policy violation exists for which access is necessary to verify.
 - 6) Misrepresentation by any Applicant of any fact on any form, document, or other agreement required to be executed by the District.
 - 7) Failure of Customer to re-apply for service upon notification by the District that Customer no longer meets the terms of the service classification originally applied for under the original service application.
- b. **Disconnection Without Notice** -- Water service may be disconnected without notice for any of the following conditions:
- 1) A known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a violation of the Texas Sanitation and Health Protection Law 4477-1, or there is reason to believe a dangerous or hazardous condition exists and the Customer refuses to allow access for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition (Section E. 3. d., E. 22., 30 TAC 290.46 (j));
 - 2) Service is connected without authority by a person who has not made application for service or who has reconnected service without authority following termination of service for nonpayment; and
 - 3) In instances of tampering with the District's meter or equipment, by-passing the meter or equipment, or other diversion of service.
- NOTE:** Where reasonable, given the nature of the reason for disconnection, a written statement providing notice of disconnection and the reason therefore shall be posted at the place of common entry or upon the front door of each affected residential unit as

soon as possible after service has been disconnected.

- c. **Disconnection Prohibited** -- Water service may not be disconnected for any of the following reasons:
 - 1) Failure of the Customer to pay for merchandise or charges for non-water service provided by the District, unless an agreement exists between the Applicant and the District whereby the Customer guarantees payment of non-water service as a condition of service;
 - 2) Failure of the Customer to pay for a different type or class of water service, i.e. standard or non-standard, unless a fee for such service is included in the same bill;
 - 3) Failure of the Customer to pay charges arising from an underbilling occurring due to any misapplication of rates more than six (6) months prior to the current billing;
 - 4) Failure of the Customer to pay the account of another Customer as guarantor thereof, unless the District has in writing the guarantee as a condition precedent to service;
 - 5) Failure of the Customer to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such underbilling charges are due under the Inoperative Meters subsection E. 17. of this Service Policy.
 - 6) Failure of the Customer to pay estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the District is unable to read the meter due to circumstances beyond its control;
- d. **Disconnection on Holidays and Weekends** -- Unless a dangerous condition exists or the Customer requests disconnection, service shall not be disconnected on a day, or on a day preceding a day, when personnel of the District are not available to the public for the purpose of making collections and reconnecting service.
- e. **Disconnection Due to Abandonment** -- The District may not abandon a Customer or a Certificated Service Area without written notice to its Customers and all similar neighboring utilities and approval from the Texas Commission on Environmental Quality.
- f. **Disconnection for Ill and Disabled** -- The District may not discontinue service to a delinquent residential Customer permanently residing in an individually metered dwelling unit when that Customer establishes that discontinuance of service will result in some person at that residence becoming seriously ill or more seriously ill if service is discontinued. Each time a Customer seeks to avoid termination of service under this Sub-section, the Customer must have the attending physician call or contact the District within sixteen (16) days of issuance of the bill. A written statement must be received by the District from the physician within twenty-six (26) days of the issuance of the utility bill. The prohibition against service termination shall last sixty-three (63) days from the issuance of the utility bill or such lesser period as may be agreed upon by the District and Customer's physician. The Customer shall enter into a Deferred Payment Agreement (see Miscellaneous Transaction Forms).
- g. **Disconnection of Master-Metered Accounts and Non-Standard Sewer Services** -- When a bill for water services is delinquent for a master-metered service complex (defined as a complex in which a single meter serves two (2) or more residential dwelling units), the following shall apply: (30 TAC Subchapter H. 291.126.)
 - 1) The District shall send a notice to the Customer as required. This notice shall also inform the Customer that notice of possible disconnection will be provided to the tenants of the service complex in five (5) days if payment is not rendered before that time.

- 2) At least five (5) days after providing notice to the Customer and at least five (5) days prior to disconnection, the District shall post notices stating "Termination Notice" in public areas of the service complex notifying the residents of the scheduled date for disconnection of service.
 - 3) The tenants may pay the District for any delinquent bill on behalf of the owner to avert disconnection or to reconnect service to the complex.
 - h. **Disconnection of Temporary Service** -- When an applicant with a Temporary service fails to comply with the conditions stated in the Service Application and Agreement Form or other rules of this Service Policy service may be terminated with notice.
13. **Billing Cycle Changes.** The District reserves the right to change its billing cycles if the workload requires such practice. After a billing period has been changed, the billings shall be sent on the new change date unless otherwise determined by the District.
14. **Back-billing.** The District may back-bill a Customer for up to forty-eight (48) consecutive months for meter error, misapplied meter multiplier, incorrect meter readings, or error in computing a Customer's bill. Failure to pay the most recent six (6) months billing will result in disconnection of service.
15. **Disputed Bills.** In the event of a dispute between the Customer and the District regarding any bill, the District shall forthwith make and conduct an investigation as shall be required by the particular case, and report the results in writing thereof to the Customer. All disputes under this Subsection must be submitted to the District, in writing, prior to the due date posted on said bill.
16. **Inoperative Meters.** Water meters found inoperative will be repaired or replaced within a reasonable time. If a meter is found not to register for any period, unless by-passed or tampered with, the District shall make a charge for units used, but not metered, for a period not to exceed three (3) months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years.
17. **Bill Adjustment Due To Meter Error.** The District shall test any Customer's meter upon written request of the Customer. In the event the meter tests within the accuracy standards of The American Water Works Association, a test fee as prescribed in Section G of this Service Policy shall be imposed. In the event the test results indicate that the meter is faulty or inaccurate, the test fee shall be waived, the meter shall be calibrated or replaced, and a billing adjustment may be made as far back as six (6) months. The billing adjustment shall be made to the degree of the meter's inaccuracy as determined by the test. The Customer shall complete a Meter Test Request Form prior to the test. (See Misc. Transaction Forms.)
18. **Meter Tampering and Diversion.** Meter-tampering, by-passing, or diversion are strictly prohibited, including any tampering with the District's service equipment, by-passing the same, or other instances of diversion, such as:
- a. removing a locking or shut-off device used by the District to discontinue service;
 - b. physically disorienting the meter;
 - c. attaching objects to the meter to divert service or to by-pass;
 - d. inserting objects into the meter; or

e. other electrical or mechanical means of tampering with, by-passing, or diverting service. Photographic evidence or any other reliable and credible evidence may be used to establish that a violation of this prohibition has occurred and to justify appropriate action by the District. A court finding of meter tampering may be used instead of photographic or other evidence, if applicable. Violation of this prohibition may be prosecuted to the extent allowed by law under the Texas Penal Code 28.03.

19. ***Service Facility Relocation.*** Relocation of service facilities on the same property shall be allowed by the District provided that:
- a. The Customer pays the actual cost of relocation plus administrative fees; and
 - b. Service capacity is available at proposed location.
20. ***Prohibition of Multiple Connections To A Single Tap.*** No more than one (1) residential, commercial, or industrial service connection is allowed per meter. The District may consider allowing an apartment building or mobile home/RV park to apply as a "Master Metered Account" and have a single meter (Referring to Section E. 2. c. (4)). Any unauthorized submetering or diversion of service shall be considered a Multiple Connection and subject to disconnection of service. If the District has sufficient reason to believe a Multiple Connection exists, the District shall discontinue service under the Disconnection with Notice provisions of this Service Policy.
21. ***Customer's Responsibility.***
- a. The Customer shall provide access to the meter as per the easement and service agreement. If access to the meter is hindered or denied preventing the reading of the meter, an estimated bill shall be rendered to the Customer for the month; and a notice shall be sent to the effect that access could not be gained. If access is denied for three (3) consecutive months after proper notification to the Customer, then service shall be discontinued and the meter removed with no further notice. (Section E. 3. d.)
 - b. The Customer shall be responsible for compliance with all utility, local, and state codes, requirements, and regulations concerning on-site service.
 - 1) All water service connections shall be designed to ensure against back-flow or siphonage into the District's water supply. In particular, livestock water troughs shall be plumbed above the top of the trough with air space between the discharge and the water level in the trough. (30 TAC 290.46)
 - 2) The use of pipe and pipe fittings that contain more than 8.0% lead or solder and flux that contain more than 0.2% lead is prohibited for any plumbing installation or repair of any residential or non-residential facility providing water for human consumption and connected to the District's facilities. Customer service pipelines shall be installed by the applicant. (30 TAC 290.46)
 - c. The District's ownership and maintenance responsibility of water supply and metering equipment shall end at the meter. Therefore, all water usage registering upon and/or damages occurring to the metering equipment owned and maintained by the District shall be subject to charges as determined by this Service Policy.
 - d. The District shall require each Customer to have a cut-off valve on the Customer's side of the meter for purposes of isolating the Customer's service pipeline and plumbing facilities from the District's water pressure. The valve shall meet AWWA standards (a ball valve is preferred). The Customer's use of the District's curb stop or other similar valve for such

purposes is prohibited. Any damage to the District's equipment shall be subject to service charges. (This cut-off valve may be installed as a part of the original meter installation by the District.)

22. ***Prohibited Plumbing Practices***

- a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination will be isolated from the public water system by an air gap or an appropriate backflow prevention device.
- b. No cross-connection between the water supply and a private water system is permitted. These potential threats to the public drinking water supply must be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
- c. No connection which allows water to be returned to the public drinking water supply is permitted.
- d. No pipe or pipe fitting which contains more the eight percent (8.0%) lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
- e. No solder or flux which contains more than two-tenths of one percent (0.2%) lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

23. ***Excluded Flow and Waste***

No material which is not biologically degradable will be permitted to be discharged into the district's facilities, including mud and debris accumulated during service line installation or construction of private facilities.

24. ***Connection of Water Service***

Applications for water service connections shall be filed with the District upon application forms made available from the District. All applicants for water service shall meet all District requirements for service including the granting of any necessary water easements necessary (as determined by the District) to serve the connection to the District and the installation of a customer service isolation valve at the expense of the service applicant

No person, other than the properly authorized agent of the district, shall be permitted to tap or make any connection with the mains or distributing pipes of the district's water system, or make any repairs or additions to or alterations in any tap, pipe, cock or other fixture connected with the water service pipe.

The customer must allow his or her property to be inspected for possible cross-connections and other undesirable plumbing practices. These inspections will be conducted by the District or its designated agent prior to initiating service and may be conducted periodically thereafter. All inspections will be conducted during the District's normal business hours.

The customer must, at his or her expense, properly install any backflow prevention device required by the District.

Water Extensions. As of the effective date of this Ordinance, the cost of the installation of water lines beyond the existing service lines or the cost of upsizing lines (when necessary) of District to any residential or commercial user or any undeveloped area within the District shall be the sole responsibility of the property owner and/or developer requesting services.

25. Standards for Water Service Lines

- a). In addition to compliance with these Rules, all connections shall comply with the Rules and Regulations for Public Water Systems issued by the Texas Commission on Environmental Quality set forth in 31 TAC 290. In the event of a conflict between these Rules and TCEQ Rules, the more stringent rule shall apply.
- b). Water supply pipe and fittings shall be of approved materials.
- c). Water service lines shall not be less than three (3) feet apart horizontally and shall be separated by undisturbed or compacted earth.
- d). Water service lines or any underground water pipe shall not be run or laid in the same trench with non-metallic sewer or drainage piping unless all three of the following conditions are met:
 - 1). The bottom of the water service line at all points shall be at least twelve inches (12") above the top of the wastewater line.
 - 2). The water service line shall be placed on a solid shelf excavated at one side of the common trench and the two lines shall be separated by a minimum of eighteen inches (18").
 - 3). The water service line shall be installed with water tight joints tested to a minimum of 150 PSI.
- e). A minimum of four feet (4') of type "L" soft copper pipe shall be installed at the end of the water service line at the connection to the water meter.
- f). Water service lines shall be bedded in washed sand to provide six inches (6") of cushion below the line. The trench bottom and walls shall be cleared of all protruding rocks which could damage the pipe before the sand bedding is placed.
- g). A District-owned water meter and a District approved meter box shall be installed by a District representative.
- h). Potable water supply piping, water discharge outlets, backflow prevention devices, or similar equipment shall not be located so as to make possible the submergence of such equipment in any contaminated or polluted substance.
- i). Lawn sprinkling systems shall be installed by a licensed/certified installer and shall be equipped with an approved vacuum breaker installed in the discharge side of each of the last valves. The vacuum breaker shall be installed at least six inches (6")

above the surrounding ground and above a sufficient number of heads so at no time will the vacuum breaker be subjected to back pressure or drainage.

j). The District's water system shall be protected from swimming pool makeup water by means of an approved backflow preventer or an adequate air gap.

k). Upon the installation of a service line, a request for inspection shall be made to the District's office forty-eight (48) hours in advance for request of inspection, and no back filling of the lines may be made until inspection has been made by the District, its agents or employees.

l). Back filling of service line trenches must be accomplished within 24 hours of inspection and approval, and no debris will be permitted in any service line trench.

26. Enforcement for Violations of Rate Order

a) If any person violates any provisions of this Order, and thereby violates a state or federal statute or injunction, the District may seek prosecution of that person in the appropriate state or federal court, and may seek such penalties as are prescribed by that statute or injunction.

b) The District may disconnect water service to any user discharging prohibited materials according to Section E (23).

If any person violates any provision of this Order, and the violation is not punishable in state or federal courts, the District may seek an

c) Injunction for specific action and/or damages in the appropriate state or federal court.

d) Water service will not be provided by the District until all requirements for service connections have been met.

SECTION F.
DEVELOPER, SUBDIVISION AND NON-STANDARD SERVICE REQUIREMENTS

1. ***District's Limitations.*** All Applicants shall recognize that the District must comply with local, state, and federal rules and regulations as promulgated from time to time, and with covenants of current indebtedness.
2. ***Purpose.*** It is the purpose of this Section to define the process for which the specific terms and conditions for service to subdivisions and other kinds of Non-Standard Service are determined, including the Non-Standard Service Applicant's and the District's respective costs. The Applicant must be the same person or entity that is authorized to enter into a contract with the District setting forth terms and conditions pursuant to which Non-Standard Service will be furnished to a property or subdivision.
3. ***Application of Rules.*** This Section is applicable to subdivisions, additions to subdivisions, developments, or whenever additional service facilities are required for a single tract of property. For the purposes of this Service Policy, Applications subject to this Section shall be defined as Non-Standard. The Board of Directors of the District shall interpret on an individual basis whether or not the Applicant's service request shall be subject to all or part of the conditions of this Section.

This Section sets forth the general terms and conditions pursuant to which the District will process Non-Standard Service Requests. The specific terms and conditions pursuant to which the District will provide non-standard service in response to any request will depend upon the nature of such request and may be set forth in a legally enforceable, contractual agreement to be entered into by the District and the service Applicant. The agreement may not contain any terms or conditions that conflict with this Section.

4. ***Non-Standard Service Application.*** The Applicant shall meet the following requirements prior to the initiation of a Non-Standard Service Contract by the District:
 - a. The Applicant shall provide the District a completed Service Application And Agreement giving special attention to the item(s) on SPECIAL SERVICE NEEDS OF THE APPLICANT.
 - b. A final plat approved by the District must accompany the Application showing the Applicant's requested service area. The plat must be approved by all governmental authorities exercising jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities. Plans, specifications, and special requirements of such governmental authorities shall be submitted with the plat. Applicants for single taps involving extension or upsizing of facilities shall be required to submit maps or plans detailing the location of the requested extension and details of demand requirements.
 - c. A Non-Standard Service Investigation Fee shall be paid to the District in accordance with the requirements of Section G for purposes of paying initial administrative, legal, and engineering fees. The District shall refund any balance that remains after it has completed its service investigation, and has completed all legal and engineering services associated with processing a request. In the event such a fee is not sufficient to pay all expenses incurred by the District, the Applicant shall pay to the District all remaining

expenses that have been, or will be incurred by the District and District shall have no obligation to complete processing of the request until all remaining expenses have been paid.

- d. If after the service investigation has been completed, the District determines that the Applicant's service request is for property located, in whole or in part, outside the area described in the District's defined service area, service may be extended provided that:
- 1). The service location is not in an area receiving similar service from another retail utility;
 - 2). The service location is not within another retail utility's Certificate of Convenience and Necessity (CCN); and
 - 3) The District's defined service area shall be amended to include the entirety of Applicant's property for which service is requested. Applicant shall pay all costs incurred by District for annexation or for amending its CCN, including but not limited to engineering and professional fees. The District may extend service prior to completing the amendment to its CCN, but will do so only upon Applicant's legally enforceable agreement to fully support such amendment (including but not limited to payment of all professional fees, including legal, surveying and engineering fees incurred by District in securing the amendment). If the District determines to annex the property, the applicant shall secure written requests for annexation from all ownership interests in the property to be annexed, and shall pay all costs, including engineering and professional fees for the annexation.

5. **Design.** Upon receipt of the signed service application and Investigation Fee, the District shall study the design requirements of the Applicant's required facilities prior to initiation of a Non-Standard Service Contract by adopting the following schedule:
- a. The District's Consulting Engineer shall design, or review and approve plans for, all on-site and off-site service facilities for the Applicant's requested service within the District's specifications, incorporating any applicable municipal or other governmental codes and specifications.
 - b. The Consulting Engineer's fees shall be paid out of the Non-Standard Service Investigation Fee under Section 4.
 - c. The Consulting Engineer shall submit to the District a set of detailed plans, specifications, and cost estimates for the project.
 - d. The District's Engineer shall ensure all facilities for any Applicant meet the demand for service as platted and/or requested in the plans or plat submitted in application for service. The District reserves the right to upgrade design of service facilities to meet future demands provided however, that the District shall pay the expense of such upgrading in excess of the Applicant's facility requirements.
6. **Non-Standard Service Contract.** Applicants requesting or requiring Non-Standard Service may be required to execute a written contract, drawn up by the District's attorney, in addition to submitting the District's Service Application and Agreement. Said contract shall define the terms of service prior to construction of required service facilities. The service contract may include, but is not limited to:

- a. All costs associated with required administration, design, construction, and inspection of facilities for water service to the Applicant's service area and terms by which these costs are to be paid.
- b. Procedures by which the Applicant shall accept or deny a contractor's bid, thereby committing to continue or discontinue the project.
- c. Terms by which service capacity shall be reserved for the Applicant and duration of reserved service with respect to the impact the Applicant's service demand will have upon the District's system capability to meet other service requests, including assessment of any reserved service fee (if applicable).
- d. Terms by which the District shall administer the Applicant's project with respect to:
 - 1) Design of the Applicant's service facilities;
 - 2) Securing and qualifying bids;
 - 3) Execution of the Service Agreement;
 - 4) Selection of a qualified bidder for construction;
 - 5) Dispensing advanced funds for construction of facilities required for the Applicant's service;
 - 6) Inspecting construction of facilities; and
 - 7) Testing facilities and closing the project.
- e. Terms by which the Applicant shall indemnify the District from all third party claims or lawsuits in connection with the project.
- f. Terms by which the Applicant shall deed all constructed facilities to the District and by which the District shall assume operation and maintenance responsibility, including any enforcement of warranties in connection with construction of the Applicant's project.
- g. Terms by which the Applicant shall grant title or easement for right-of-ways, constructed facilities, and facility sites and/or terms by which the Applicant shall provide for the securing of required right-of-ways and sites.
- h. Terms by which the Board of Directors shall review and approve the Service Contract pursuant to current rules, regulations, and bylaws.
- i. Agreement to enforceable remedies in the event applicant fails to comply with all contract obligations, including specific performance.

The District and the Applicant must execute a Non-Standard Service Contract prior to the initiation of construction of facilities by the Applicant. In the event that the Applicant commences construction of any such facilities prior to execution of a Contract with the District, then the District may refuse to provide service to the Applicant (or require full costs of replacing/repairing any facilities constructed without prior execution of a contract from any person buying a lot or home from Applicant), require that all facilities be uncovered by the Applicant for inspection by the District, require that any facilities not approved by the District be replaced, or take any other lawful action determined appropriate by the Board of Directors of the District.

7. ***Property and Right-of-Way Acquisition.*** With regard to construction of facilities, the District shall require right-of-way easements or property dedicated to the District as per the following conditions:

- a. If the District determines that right-of-way easements or facility sites outside the Applicant's property are required, the Applicant shall secure easements or title to

facility sites in behalf of the District. All right-of-way easements and property titles shall be researched, validated, and filed by the District at the expense of the Applicant. (See Sample Application Packet RUS Form 442-8 or 442-9.)

- b. All costs associated with facilities that must be installed in public right-of-ways on behalf of the Applicant, due to the inability of the Applicant to secure private right-of-way easements, shall be paid by the Applicant. Alternatively, Applicant shall pay all costs, including legal and other professional fees, and the condemnation award in the event District secures such private easements or facility sites through eminent domain proceedings.
 - c. The District shall require an exclusive dedicated right-of-way on the Applicant's property (as required by the size of the planned facilities and as determined by the District) and title to property required for other on-site facilities.
 - d. Easements and facilities sites shall be prepared for the construction of the District's pipeline and facility installations in accordance with the District's requirements and at the expense of the Applicant.
8. **Bids For Construction.** The District's consulting engineer shall advertise for bids for the construction of the Applicant's proposed facilities in accordance with generally accepted practices. Plans and specifications shall be made available, with or without charge, to prospective bidders. Although the District reserves the right to reject any bid or contractor, the District shall generally award the contract to the lowest and best bidder in accordance with the following criteria:
- a. Applicant shall sign the Service Contract noting willingness to proceed with the project and shall pay all costs in advance of construction associated with the project;
 - b. Contractor shall provide an adequate bid bond under terms acceptable to the District;
 - c. Contractor shall secure adequate performance and payment bonding for the project under terms acceptable to the District;
 - d. Contractor shall supply favorable references acceptable to the District;
 - e. Contractor shall qualify with the District as competent to complete the work; and
 - f. Contractor shall provide adequate certificates of insurance as required by the District.
9. **Pre-Payment For Construction and Service.** After the Applicant has executed the Service Agreement, the Applicant shall pay to the District all costs necessary for completion of the project prior to construction and in accordance with the terms of the Non-Standard Service Contract.
10. **Construction.**
- a. All roadwork pursuant to state, county and/or municipal standards (as applicable) shall be completed prior to facility construction to avoid future problems resulting from road right-of-way completion and excavation. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage during construction of Applicant's facilities.
 - b. The District shall, at the expense of the Applicant, inspect the facilities to ensure compliance with District standards.
 - c. Construction plans and specifications shall be strictly adhered to, but the District reserves the right to change-order any specifications, due to unforeseen circumstances

during the design phase, to better facilitate construction or operation of the Applicant's facility. All change-order amounts shall be charged to the Applicant.

11. ***Service within Subdivisions***-The District's objective to provide service to any customer located within a subdivision governed by this section is strictly limited to the nonstandard service specified by the Applicant. The District is not required to extend retail water service to an Applicant in a subdivision where the responsible party (Applicant/Developer) of the applicable property (subdivision) has failed to comply with the terms of this Service Policy. The Applicant is responsible for paying for all costs necessary for non-standard service to a subdivision as determined by the District under the provisions of this Service Policy and specifically the provisions of this Section; if the Applicant fails to pay these costs, the District has the right to require payment of these costs by any one or more of the persons purchasing lots within such subdivision before the District is obligated to provide water. In addition, District may elect to pursue any remedies provided by the Non-Standard Service Contract. Applicant is advised that purchasers of lots also may have legal recourse to the Applicant under Texas law.

SECTION G.
RATES AND SERVICE FEES

UNLESS SPECIFICALLY DEFINED IN THIS SERVICE POLICY, ALL FEES, RATES, AND CHARGES AS STATED HEREIN SHALL BE NON-REFUNDABLE.

1. **Classes of Users** -- All users of the District's water services shall be classified as either: standard or non-standard service, as further defined in Section E (2) of this Service Policy. Either class of users may be further classified into sub-classes according to the meter size by which service is provided.
2. **Service Investigation Fee.** The District shall conduct a service investigation for each service application submitted to the District. An initial determination shall be made by the District, without charge, as to whether the service request is Standard or Non-Standard. An investigation shall then be conducted and the results reported under the following terms:
 - a. All Standard Service requests shall be investigated without charge and all applicable costs for providing service shall be quoted in writing to the Applicant within ten (10) working days of application.
 - b. All Non-Standard Service requests shall be subject to a fee, appropriate to each project, of sufficient amount to cover all administrative, legal, and engineering fees required by the District to:
 - (1) provide cost estimates of the project,
 - (2) develop detailed plans and specifications as per final plat,
 - (3) advertise and accept bids for the project,
 - (4) execute a Non-Standard Service Contract with the Applicant, and
 - (5) provide other services as required by the District for such investigation.
3. **Deposit.** At the time the application for service is approved, an Applicant for standard service shall pay an account Deposit which will be held by the District, without interest, until settlement of the customer's final bill. The Deposit will be used to offset final billing charges of the account. In the event that a surplus of FIVE DOLLARS (\$5.00) or more exists after the final billing is settled, the balance will be paid to the customer within forty-five (45) days, when the District is provided with a suitable address. All requests for refunds shall be made in writing and must be filed within ninety (90) days of termination. In the event that an outstanding balance exists after the Deposit is applied, The District shall attempt to collect the outstanding balance by all lawful means available.
 - a. The Deposit for water service provided to owners is \$150.00 for each service unit.
 - b. The Deposit for water service provided to renters is \$200.00 for each service unit.
 - c. The Deposit for oversized or Master Metered Accounts shall be based on multiples of meter size equivalence or actual connections served.
4. **Easement Fee.** When the District determines that dedicated easements and/or facilities sites are necessary to provide service to the Applicant, the Applicant shall be required to make good faith efforts to secure the necessary easements and/or sites in behalf of the District and/or pay all costs incurred by the District in validating, clearing, and retaining such easements or sites in addition to tap fees otherwise required pursuant to the provisions of this Service Policy. The costs may include all legal fees and expenses necessary to attempt to secure such easements and/or facilities sites in behalf of the District.

5. **Installation Fee (Tap Fee).** The District shall charge an installation fee for service as follows:
- a. **Standard Service** shall include all current labor, materials, engineering, legal, customer service inspection, and administrative costs necessary to provide individual metered water service shall be charged on a per tap basis as follows:

Water Installation (Tap) Fee (not to exceed three times the actual and reasonable cost)

\$1800.00 + additional Road Bore Fee, if necessary, according to location of property.

- b. **Non-Standard Service** shall include any and all construction labor and materials, inspection, administration, legal, and engineering fees, as determined by the District under the rules of Section F of this Service Policy.
- c. Standard and Non-Standard Service Installations shall include all costs of any pipeline relocations as per Section E.2. (c) (6) or other system improvements.

6. **Monthly Charges.**

a. **Service Availability Charge**

(1) Water Service - The monthly charge for metered water service, which may or may not include allowable gallonage, is based on demand by meter size. Each charge is assessed based on the number of 5/8" X 3/4" meters (as per American Water Works Association maximum continuous flow specifications -- see Miscellaneous) equivalent to the size indicated and is used as a base multiplier for the Service Availability Charge and any allowable gallonage. Rates and equivalents are as follows:

METER SIZE	5/8" X 3/4" METER EQUIVALENTS	MONTHLY RATE
5/8" X 3/4"	1.0	\$25.00
1"	2.5	\$55.00
2"	8.0	\$170.00

- b. **Gallonage Charge** - In addition to the Service Availability Charge, a gallonage charge shall be added at the following rates for usage during any one (1) billing period.

(1) Water -

0-6,000 gallons	\$6.00 per thousand
6,001-12,000 gallons	\$7.00 per thousand
12,000- over	\$7.50 per thousand

- (2) The District shall, as required by Section 5.235, Water Code, collect from each of its retail customers a regulatory assessment equal to one-half of one percent (0.5%) of the charge for retail water service. This charge shall be collected in addition to other charges for utility service. This fee is collected on all charges pertaining to Section G.6. Monthly Charges of this Service Policy.

7. **Late Payment Fee.** Once per billing period, a penalty of \$10.00 shall be applied to delinquent bills. This late payment penalty shall not be applied to any balance to which the penalty was applied in a previous billing, but shall be applied to any unpaid balance during the current billing period.
8. **Notify Fee.** The District may, at the expense of the Customer receiving water service, notify said Customer of delinquent account status prior to disconnection of service. The Notify Fee shall be \$10.00 per notification.
9. **Returned Check Fee.** In the event a check, draft, or any other similar instrument is given by a person, firm, District, or partnership to the District for payment of services provided for in this Service Policy, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the account for which the instrument was issued shall be assessed a return check charge of \$30.00.
10. **Reconnect Fee.** The District shall charge a fee of \$100.00, (\$50.00 lock/\$50.00 unlock) for reconnecting service after the District has previously disconnected the service for any reason provided for in this Service Policy except for activation of service under Section E.3.b. Re-Service.
11. **Reservice Fee.** The District shall charge \$200.00 to provide service to an Applicant at a location for which service previously existed and now requires a meter and possible modifications to the setting in order to restore service.
12. **Service Trip Fee.** The District shall charge a trip fee of \$25.00 for any service call or trip to the Customer's tap as a result of a request by the Customer or resident (unless the service call is in response to damage of the District's or another Customer's facilities) or for the purpose of disconnecting or collecting payment for services.
13. **Fee for Unauthorized Actions.** If the District's facilities or equipment have been damaged by tampering, by-passing, installing unauthorized taps, reconnecting service without authority, or other service diversion, a fee shall be charged equal to the actual costs for all labor, material, and equipment necessary for repair or replacement of the District's facilities and shall be paid before service is re-established. The fee shall also include the actual costs for all labor, material, equipment, and other actions necessary to correct service diversions, unauthorized taps, or reconnection of service without authorization. All components of this fee will be itemized, and a statement shall be provided to the Customer. If the District's facilities or equipment have been damaged due to unauthorized use of the District's equipment, easements, or meter shut-off valve, or due to other unauthorized acts by the Customer for which the District incurs losses or damages, the Customer shall be liable for all labor and material charges incurred as a result of said acts or negligence. Note: Payment of this fee will not preclude the District from requesting appropriate criminal prosecution.
14. **Customer History Report Fee.** A fee of \$5.00 shall be charged to provide a copy of the Customer's record of past water purchases in response to a Customer's request for such a record.
15. **Meter Test Fee.** The District shall test a Customer's meter upon written request of the Customer. Under the terms of Section E of this Service Policy, a charge of \$25.00 shall be imposed on the affected account. If the meter is found to be accurate, the Customer shall pay any fees incurred in

connection with the testing process. (See also Section E.17).

16. ***Non-Disclosure Fee.*** A fee of \$5.00 shall be assessed any customer requesting in writing that personal information under the terms of this Service Policy not be disclosed to the public.
17. ***Filing and Connection Fee.*** An Applicant for service who is a transferee shall complete all required application forms, etc., and pay a Filing and Connection Fee of \$25.00.
18. ***Customer Service Inspection Fee.*** A fee of \$25.00 will be assessed each Applicant before permanent continuous service is provided to new construction if an additional inspection is required in addition to the initial inspection included with the installation or tap fee.
19. ***Regulatory Assessment.*** A fee of one-half of one percent (0.5%) of the amount billed for water/sewer service will be assessed each customer; as required under Texas law and TCEQ regulations.
20. ***Additional Assessments.*** In the event any federal, state or local government imposes on the District a "per meter" fee or an assessment based on a percent of water use or charges, this fee or assessment will be billed and collected as a "pass through" charge to the customer.
21. ***Other Fees.*** The actual and reasonable costs for any services outside the normal scope of utility operations that the District may be compelled to provide at the request of a Customer shall be charged to the Customer.

**SECTION H.
DROUGHT CONTINGENCY PLAN**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEAN DALE DISTRICT ADOPTING A DROUGHT CONTINGENCY PLAN.

WHEREAS, the Board recognizes that the amount of water available to the Dean Dale District and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the Board recognizes that, as a result of natural limitations due to drought conditions and other acts of God, an uninterrupted water supply cannot be guaranteed for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the customers of the Dean Dale District. The Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DEAN DALE DISTRICT:

SECTION 1.

That the Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the Dean Dale District.

SECTION 2.

That the General Manager, or the President of the Board in the absence of the General Manager, is hereby directed to implement, administer, and enforce the Drought Contingency Plan.

SECTION 3.

That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF THE DEAN DALE DISTRICT , on this 1st^h day of January, 2009.

PRESIDENT, BOARD OF DIRECTORS

ATTESTED TO:

SECRETARY, BOARD OF DIRECTORS

SECTION I. DECLARATION OF POLICY, PURPOSE, AND INTENT

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Dean Dale Special Utility District (Dean Dale District) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offenders(s) to penalties as defined in Section X of this Plan.

SECTION II. PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation of the Plan was provided by the Dean Dale District by means of posting the Plan together with the requisite notice of regular meeting of the Board of Dean Dale District.

SECTION III. PUBLIC EDUCATION

The Dean Dale District will provide the public with information about the Plan by:

- a. Making the Plan and all related provisions available to the customers at the District office during normal business hours; and
- b. Periodically informing members of the Plan's availability.

SECTION IV. COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the Dean Dale District is located within the Region B Regional Water Planning Area, and the Dean Dale District has provided a copy of this Plan to the Region B Water Planning Group.

SECTION V. AUTHORIZATION

The General Manager, or the President of Dean Dale District in the absence of the General Manager, is hereby authorized and directed to implement the applicable provisions of the Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The General Manager, or the President of Dean Dale District in the absence of the General Manager, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in the Plan.

SECTION VI. APPLICATION

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the Dean Dale District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

SECTION VII. DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the Dean Dale SUD.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Industrial water use: the use of water processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way medians.

Non-essential water use: Water uses that are not essential nor required for the protection of public health, safety, and welfare, including:

- (a) Irrigation of landscaped areas, including parks, athletic fields, and golf courses;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Uses of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) Failure to repair a controllable leak (s) within a reasonable period after having been given notice directing the repair of such leak (s); and
- (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting and flushing of lines to maintain a potable water supply.

SECTION VIII. TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The General Manager, or the President of Dean Dale District in the absence of The General Manager, shall monitor water supply and/or demand conditions and shall Determine when conditions warrant initiation or termination of each stage of the Plan.

Public notification of the initiation or termination of drought response stages shall be by means of publication in a local paper, radio announcements, televised announcements, or mailed notifications, as appropriate to the situation.

The triggering criteria described below are based on the need to be able to reduce water consumption in the event that Dean Dale's daily demand increases to the extent that a reduction in consumption is needed to improve the reliability of the Dean Dale storage and distribution system.

Stage 1 – Moderate Water Shortage Conditions

Requirements for initiation: When one or more of the following conditions exists:

- a) Water consumption has reached 80% of daily maximum supply for three (3) consecutive days;
- b) Water supply is reduced to a level that is only 20% greater than the consumption for the previous month;
- c) There is an extended period (at least eight (8) weeks) of low rainfall and daily use has risen 20% above the use of the same period during the previous year; or
- d) City of Wichita Falls imposes voluntary water use restrictions.

Requirements for termination: The conditions of moderate water shortage as previously described no longer exist.

Stage 2 – Severe Water Shortage Conditions

Requirements for initiation: When one or more of the following conditions exists:

- a) Water consumption has reached 90% of the amount available for three (3) consecutive days;

- b) The water level in any of the storage tanks cannot be replenished for three (3) consecutive days; or
- c) City of Wichita Falls imposes water use restrictions.

Requirements for termination: The conditions of severe water shortage as previously described no longer exist.

Stage 3 – Emergency Water Shortage Conditions

Requirements for initiations: When one or more of the following conditions exists:

- a) Failure of a major component of the system or an event which reduces the minimum residual system pressure below 20 PSI for a period of 24 hours or longer.
- b) Water consumption of 95% or more of the maximum available for three (3) consecutive days.
- c) Water consumption of 100% of the maximum available and the water storage levels drop during one 24-hour period.
- d) City of Wichita Falls imposes water use restrictions.
- e) Any other unforeseen event which could cause an imminent health or safety risk to the public.

Requirements for termination: The conditions of emergency water shortage as previously described no longer exist.

SECTION IX. DROUGHT RESPONSE STAGES

The General Manager, or the President of Dean Dale District in the absence of the General Manager, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a moderate, severe, or emergency condition exists and shall implement the following actions upon notification by direct mail to customers.

Stage 1 – Moderate Water Shortage Conditions

Goal

Achieve a reduction in daily water use.

Voluntary Water Use Restrictions

Water customers are requested to voluntarily limit water use as follows:

- a) Dean Dale SUD will curtail flushing of the system distribution lines.
- b) No outside watering between the hours of 10:00 a.m. to 7:00 p.m.

Stage 2 – Severe Water Shortage Conditions

Goal

Achieve a minimum 20% reduction in daily water use based on the previous month's usage. (Percentage contingent on availability of purchased water.)

Water Use Restrictions

All requirements of Stage 1 shall remain in effect during Stage 2. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- a) Ban all outside watering as determined by the General Manager or the Board of Directors, except for livestock;
- b) Ban the use of system water for filling or refilling swimming pools, wading pools or jacuzzi-type pools. Ban the operation of an outdoor swimming pool, either public or private, which uses system water that does not have at least 75% of its surface covered when not in use. A pool is defined to be "any man-made structure, basin, chamber, or tank containing an artificial body of water for swimming, diving or recreational bathing and having a depth of at least 18 inches any point". Public pools are considered to be in use during the posted hours of operation. Chemical "covers" are approved under this section.
- c) Reduce wholesale water transfer to the City of Byers by 20% based on the previous month's usage. (Percentage contingent on a availability of purchased water.)

Stage 3 – Emergency Conditions

Goal

Reduce all water use by 40% based on the previous month's usage. (Percentage contingent on availability of purchased water.); or

Reduce water use to the extent necessary to maintain water of sufficient quantity and quality to meet health and safety requirements of the public.

Water Use Restrictions

All requirements of Stages 1 and 2 shall remain in effect during Stage 3. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- a) Ban livestock watering by notice only; and
- b) Restrict water use to all customers by 40% based on the previous month's usage. (Percentage contingent on availability of purchased water.)

SECTION X: ENFORCEMENT

No person shall knowingly or intentionally allow the use of water from the Dean Dale District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the General Manager, or the President of Dean Dale District in the absence of the General Manager, in accordance with provisions of this Plan.

- a) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter is a separate offense.
- b) Proof of a culpable mental state is not required for a conviction of an offense under this chapter.
- c) An offense under this chapter is punishable by a restriction device being placed on the meter, or the meter being removed from service.

- d) If a customer is using outside water during a time period and/or on a day when watering is not permitted and a Dean Dale District worker cannot find any person at that location to turn off the water, the Dean Dale District worker may enter the property and turn off the water.
- e) The Dean Dale District's authority to seek injunctive or other civil relief available under the law is not limited by this section.

SECTION XI: VARIANCES

I. a) The General Manager, or the President of Dean Dale District in the absence of the General Manager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire

protection for the public or the person requesting such variance. A variance may also be granted for reasons of economic hardship. In this section, economic hardship means a threat to an individual's or business' primary source of income. Inconvenience or the potential for damage to landscaping is not an economic hardship. In all cases, one or more of the following conditions must be met before a variance may be granted:

- (1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; and
 - (2) Alternative methods can be implemented that will achieve the same level of reduction in water use.
- b) Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Dean Dale District. All petitions for variances shall be reviewed by the Board of Directors of the District and shall include the following:
- (1) Name and address of the petitioner (s);
 - (2) Purpose of water use;
 - (3) Specific provision(s) of the Plan from which the petitioner is requesting relief;

- (4) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with the Plan;
 - (5) Description of the relief requested;
 - (6) Period of time for which the variance is sought;
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposed to take to meet the intent of this Plan and the compliance date; and
 - (8) Other pertinent information.
- c) Variances granted by the Dean Dale District shall be subject to the following conditions:
- (1) Variances granted shall include a timetable for compliance; and
 - (2) Variances granted shall expire when the Plan is no longer in effect, or when the Board of Directors determines it is no longer appropriate or the petitioner has failed to meet specified requirements of the variance.
- d) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

II.

- 1) The Board of Directors of the District shall make its determination after receipt of a properly completed "Application for Variance" form.
- 2) Until the Board of Directors of the District has acted on an application, the applicant must comply with all provisions of this chapter.
- 3) If the Board of Directors of the District determines that there is a special need or an economic hardship, the Board shall authorize the implementation of equitable water use restrictions by the applicant that further the purposes of the Plan. The special water use restrictions authorized by the Board in each special or hardship case must be set forth on the face of the written variance. If the variance is granted, the customer must keep a copy of the variance in a location that is accessible and visible to the public.

- 4) A variance issued by the Board of Directors of the District under any stage of the Plan becomes invalid on implementation of a subsequent stage of the Plan. A separate application for a variance must be submitted at each stage of the Plan unless a single variance or permit is granted with separate conditions applicable to each stage of the Plan.

SECTION XII: SEVERABILITY

It is hereby declared to be the intention of the Dean Dale District that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional, or unenforceable, by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan.

SECTION I
WATER CONSERVATION PLAN

1. **Introduction.** The Dean Dale Water District is a non-profit Customer owned District serving an estimated population of 3000 in parts of Clay and Wichita Counties. As provided in the Bylaws and Tariff, the Board of Directors has the managing control and operation of the system. Continuing growth and demand requires the District to implement a water conservation plan that will ensure future needs.

Water resources are an important element in the quality of life and economic well-being of the residents. Within the area, water is used for human consumption, livestock, agriculture and landscape. Good quality water in abundance is somewhat limited, therefore, most residents recognize that water is a great resource and conservation is needed.

2. **Existing Water Sources.** The primary source of water is treated water from the City of Wichita Falls. The secondary source is from water wells in the Thornberry area. The City water is mixed with the ground water to lower nitrates to a safe level. The quantity and quality of water from both sources provides an adequate volume of water to enable Dean Dale District to service existing and future customers.

A regular maintenance program and upgrading of the system keeps our facility operating efficiently and reduces waste of water. This will prolong the use of each water well, pump station, storage facility, and the distribution system.

a. Applicable Local Regulations

There are no local regulations that are applicable to the District in regard to water usage, supply, or distribution.

b. Applicable State, Federal, or Other Regulations

As a public water supply, the District must abide by the rules of the following agencies:

- (1) Texas Natural Resource Conservation Commission
- (2) Texas Department of Health
- (3) USDA – Rural Development (FmHA)
- (4) Contract with the City of Wichita Falls

c. Public Involvement in Planning Process

The District holds regular board meetings once each month. These meetings are open to the public and anyone is free to speak. At these meetings, the directors hear the concerns of the members which help their decision making process.

3. **Education and Information.** The foundation of a water conservation effort is public awareness of and appreciation for the need to conserve our most valuable resource. The goal of the water conservation program is to educate the public that efficient use of water can save dollars indirectly for them by lowering capital expenditure and other operation and maintenance expenses, thereby keeping the water rates down, which is direct savings on monthly water bills. The District will use the following methods to promote water conservation.
- a. New customers will receive conservation information when applying for service with pre-printed brochures from Texas Water Development Board.
 - b. Educational materials will be made available to all customers.
 - c. Series of informational sentences/paragraphs on monthly water bills and/or bill stuffers timed to correspond with the peak summer demand period.

The education program should emphasize the cost of leaks in faucets, toilets, and other household fixtures. Clear, straight forward data should be presented that allows the customer to understand the direct application of water savings, for example the amount of water used for bathing, the amount of water used for showering with various types of shower heads, toilet flushing, etc. The customer should be told how to check for leaks in the toilet using food coloring or special purpose detection tablets that may be provided by the utility.

The users should be educated on the types of water saving devices that are available on the market so they can become more informed buyers. They need to understand through community education measures how to examine their existing facilities to determine whether they already have water-saving toilets, shower heads, etc.

While area wide efforts are going on, the District should be advertising the measures taken by the system for the efficient use of water, such as meter replacement and repair programs, leak detection and maintenance programs, plumbing policies, landscaping practices, water audits, etc.

Information as presented in the Appendix will be the basis for public education.
Deandalesud.com

4. **Plumbing Codes.** There are no enforceable plumbing codes within the service area of the District. However, the District will encourage the use of water conserving plumbing facilities and devices to be used for new construction or remodeling. The property of the Customer/Applicant shall be inspected to insure compliance with state required Minimum Acceptable Operating Practices For Public Drinking Water Systems as promulgated by the Texas Natural Resource Conservation Commission.

5. Retrofit Program to Improve Water Use Efficiency.

A mandated retrofit program is not considered economically feasible in the District's rural area. Nonetheless, the District will stress to its customers the importance of various water conservation techniques, including the use of restricted flow plumbing devices. The District will make available through its education and information programs information for water customer's use when purchasing and installing plumbing fixtures, lawn watering equipment, or in using appliances.

6. Conservation Type Rate Structure.

The District uses a flat rate structure for a stipulated amount of water, plus an excess charge per 1000 gallons over the stipulated amount. The excess use charge seems most equitable of all rate structures considered since it focuses entirely on the customer who creates peaks in usage, and will not place an excessive burden on the poor or fixed income customers.

7. Metering and Meter Repair and Replacement Program.

The District already has an aggressive metering and meter repair and replacement program. Such a program is one aspect of the efficient business operation of water service and it preserves the financial integrity of the utility. All water users are separately metered. Also, master meters are installed and periodically calibrated at all existing water sources. The District, through its computer billing system, currently monitors water consumption and inspects meters which appear to have abnormal high or low water usage. Records are maintained of the meter size and installation date. This ensures that a new meter is installed on prescribed anniversary dates. Through a successful meter maintenance program coupled with computerized billing and leak detection programs, the District can maintain water delivery rates, from production to customer in the 85 percentile and/or lower.

8. Water Conserving Landscaping.

The seasonal use of water for landscape irrigation and other outside uses is the primary reason for the peaks that are the basis for the need of construction, maintenance and operation of larger supply and distribution systems. It follows then that efficient use of water can have a pronounced effect on water bills for the consumer and the peak demand on water supply facilities.

The District does not have the authority to establish regulations which would require developers to plant only low water using plants and grasses, because of our rural area. But, through its information and education program, the District will encourage customers to utilize water saving practices in installation of landscaping. Sensible water use through drip irrigation and water-efficient plants can achieve a balance between wise water use and attractive landscaping. (See Appendix)

9. Leak Detection and Repair.

The District currently has an aggressive leak detection and repair program which will be maintained. All four Volunteer Fire Departments on the system are required to submit monthly reports for the un-metered water used for fire fighting. Locks have been installed on fire hydrants with keys given to the volunteer firemen in order to control unauthorized use of fire hydrants. Adequate reporting and compiling of data through the computerized billing program determines that the total sales of water compares favorably with the quantity of water produced and purchased. Monthly reports are prepared and then reviewed by the Board of Directors and General Manager to monitor unaccounted and/or un-metered water. An adequate maintenance staff responds quickly to repair reported or detected leaks. Daily monitoring of facilities keeps a constant watch out for abnormal conditions which may indicate a leak.

10. Water Recycling and Reuse.

The system has no means to recycle or reuse water. The entire service area utilizes septic tanks for wastewater disposal, therefore, there are no treatment facilities which produce wastewater effluent for reuse or recycling.

11. Implementation of Plan and Enforcement.

Implementation of the water conservation plan is a matter of cooperation effort between the District's Board of Directors, staff, and the customers in the service area. The Board will coordinate the implementation and enforcement of the plan through adopted policies and budgets. A low-cost program will be conducted with funds set aside for the purpose of mail-outs to customers at peak periods and for obtaining information brochures for users.

There are no plumbing codes for the rural service area. But, the rate structure should encourage retrofitting of old plumbing fixtures which are using large amounts of water. With the education program, people will realize that replacing their fixtures will save them money on their water bill.

The system will endeavor to provide information to its users concerning water conservation landscaping and stress the use of Xeriscape landscaping techniques.

12. Wholesale Customers.

The District will require a monitoring and record management program for determining water deliveries, sales, and losses. The water purchase contract between the District and the City of Byers must have water conservation requirements so that each successive customer in the resale of water will be required to implement water conservation measures.

This water conservation plan will be reviewed by the Board of Directors in order to maintain a current and progressive program.

RESOLUTION

A Resolution of the Board of Directors of the
Dean Dale District
Adopting the Attached Water Conservation Plan

Be it Resolved by the Board of Directors:

That on this 1st day of January, 2009, we do hereby adopt the attached Water Conservation Plan as an official policy to be implemented immediately and to become a part of the published Dean Dale District Rate Order.

Adopted this 1st day of January, 2009 at a regular meeting of the Board of Directors at which a quorum was present.

W.E. Reichert – President
Board of Directors

(Seal)

Attest:

Charles Rushing – Secretary
Board of Directors

Approved 01/01/09

Dean Dale SUD

APPENDIX

Listing of Water Conservation Literature

Texas Water Development Board

(Copies of Brochures to be Distributed)

Drip Irrigation

How to Save Water Outside The Home

How to Save Water Inside The Home

Lawn Watering Guide

Toilet Leak Detector Tablets

Water Conservation Coloring Book No. 1

Water Conservation Coloring Book No. 2

How to Xeriscape

Water ... Half-a-Hundred Ways to Save it