

Title 5

WATER SUPPLY AND RATES

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Chapter 5.04

GENERAL PROVISIONS

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5.04.010 Water Service Objectives.

The water service objectives of Contra Costa Water District (District) are:

A. First, to provide public water supplies that are continuous and reliable, of the best quality feasible to achieve, in the quantities and at the rates of flow sufficient for all reasonable and beneficial uses within the territory of the District, and at the minimum cost to the District;

B. Second, to limit use of water furnished by the District to what is reasonable and beneficial under the circumstances, to prevent the waste of water and to promote water conservation;

C. Third, to reclaim water and make it available for reuse to the maximum extent feasible;

D. Fourth, to enable maximum feasible multi-purpose uses of the properties and facilities under the District's control;

E. Fifth, to protect and enhance the environment;

F. Sixth, to provide treated water service within defined pressure ranges as determined by the District's Board of Directors from time to time and in no case less than 25 pounds per square inch gauge (psig) calculated at the ground elevation of the structure proposed to be served. (Res. 91-23 § 1 (A, B); Res. 90-84 Exh. A (part): Reg. 1(A))

5.04.020 Use of Water.

The recipients of water delivered by the District shall put the water only to reasonable and beneficial use and shall take all reasonable action to prevent the waste or

unnecessary use of water. (Res. 90-84 Exh. A (part): Reg. 1(B))

5.04.030 Compliance with Regulations Required.

The furnishing of water by the District and the use thereof by a customer shall be subject to the regulations of the District from time to time in effect; the terms, conditions and undertakings in the customer's application for service; and the District's contracts with the United States Bureau of Reclamation. By applying for or receiving water service from the District, each customer covenants and agrees to be bound by, and to comply with, all regulations of the District from time to time in effect. (Res. 90-84 Exh. A (part): Reg. 1 (C))

5.04.040 Water Quality.

Treated water shall be fit for human consumption at the point of delivery by the District. Untreated (raw) water furnished by the District is unfit for human consumption or domestic use unless and until it is properly treated. The District makes no warranty, express or implied, with respect to the chemical, biological or physical characteristics of the untreated (raw) water supplied by the District. (Res. 90-84 Exh. A (part): Reg. 1(D))

5.04.050 Responsibility for Handling Water-- Point of Delivery Determination.

The District is responsible for the handling and transmission of water up to the designated point of delivery of water to the water user. Each water user shall bear the risk of loss, and shall be responsible for the carriage, control, handling, storage, distribution and use of all water furnished by the District from and beyond the point of delivery. Each applicant for water service, customer of the District, and user of water furnished by the District shall hold the District harmless from any damage suffered by the District and shall indemnify the District from liability or claim of liability for property damage or personal injury, including death, resulting from the carriage, control, handling, storage, distribution or use of water after it passes the point of delivery. The point of delivery of water delivered by the District by pipe shall be the discharge side of the District's meter or backflow prevention device. The point of delivery of untreated (raw) water to a customer shall be determined, and from time to time may be changed, by the District. (Res. 90-84 Exh. A (part): Reg. 1(E))

5.04.060 Interruption of Service.

The District will exercise reasonable care and diligence to deliver to its customers a continuous and sufficient supply of water. The District reserves the right at any time to shut off water delivery for the purpose of maintaining, repairing, altering or enlarging its facilities. To the extent practical, advance notice of an interruption of service shall be given to all users affected. The District

shall not be liable for any loss, damage, or inconvenience to any person by reason of any shortage, reduction, interruption, or discontinuance of water service or the increase or decrease of water pressure, when the same is caused by an act of God, drought, an unavoidable accident, a shutdown, a disturbance or condition of any kind beyond the reasonable control of the District or when the same is reasonably necessary for the repair, maintenance, alteration, or extension of any facility of the District or of the Contra Costa Canal System of the United States Bureau of Reclamation. (Res. 90-84 Exh. A (part): Reg. 1(F))

5.04.070 Water Shortages.

The District reserves the right to fix the time and rate of flow of all deliveries of water to each of its customers and, in the event of shortage, to allocate between its customers the water supply from time to time available to the District and to establish such priorities to the available supply as the District shall consider necessary and in the public interest. (Res. 90-84 Exh. A (part): Reg. 1(G))

5.04.075 Provision of Service for Affordable Housing

In accordance with Water Code section 10631.1 and Government Code section 65589.7, it is the policy of the District to provide water service on to all applicants who comply with these Regulations and pay all requisite fees. In the event that new service connections are restricted by the Board of Directors, priority shall be given to applicants for water service to residential properties which include housing units affordable to lower income households, pursuant to administrative procedures developed and implemented by the General Manager. Restrictions on provision of new water service connections may be due to a declaration of a water shortage emergency condition under Water Code section 350 *et seq.*, a determination by the Board of Directors based on the District's Urban Water Management Plan that sufficient water supply is not available to support the granting of all requests for new service, as provided in Government Code section 66473.7, a determination by the Board of Directors based on a written engineering report that the District does not have sufficient water treatment and/or distribution capacity to serve the needs of proposed development, or the imposition of a compliance order by the Department of Health Service prohibiting new connections. (Res. 06-18 Exh. A (part))

5.04.080 Place of Use of Water.

Except with the prior consent of the Board of Directors of the District ("the Board") and on such terms and conditions as the Board shall prescribe, all water furnished shall be used within the territory of the District and on land described in the application for service. (Res. 90-84 Exh. A (part): Reg. 1(H))

5.04.090 Access to Facilities.

By applying for or receiving water service from the District, the applicant, on behalf of the applicant and the owners, tenants and occupants of the land where the water is to be used, grants to the District, its employees and representatives, permission to enter said land at reasonable times for the purpose of installing, reading, inspecting, testing, maintaining, repairing or replacing any meter, meter box, pipe, valve, back-flow prevention device or other District facility on said land that is reasonably necessary to provide water service to said land. The owners and occupants of the land and the water users thereon shall have the duty to remove or cause to be removed any plant, structure or thing that obstructs or impairs said access. If after reasonable notice to the occupant of the land the obstruction is not removed, the District shall have the right in its discretion to remove it and to charge the costs thereby incurred and District overhead to the responsible customer of the District. (Res. 90-84 Exh. A (part): Reg. 1(I))

5.04.100 Restrictions on Resale of Water.

No water furnished by the District shall be resold, except:

A. Untreated (raw) water supplied to public or private water utilities under Section 5.20.010 for resale within the utility's jurisdictional boundary; or

B. Treated water supplied to public or private water utilities for resale within the utility's jurisdictional boundary.

C. Untreated (raw) water supplied to groups of property owners under Sections 5.20.030; or 5.20.040; or

D. Treated water that has been packaged in containers of five gallons or less; or

E. With the prior written authorization of the District. (Res. 13-02 Exh. A (part); Res. 90-83 Exh. A (part): Reg. 1(J))

5.04.110 Unauthorized Use of Water.

Anyone using water without having made application to the District for water service shall be held liable for the service from the date of any previous meter reading that most nearly coincides with the actual date the service was first used by such customer. (Res. 90-84 Exh. A (part))

5.04.120 Annexation of Land to the District and Provision of Water Service to Annexed Lands.

The annexation of lands to the District is governed by the provisions of the Cortese/Knox Local Government Reorganization Act of 1985 (California Government Code Section 56000 *et seq.*, herein cited as the "Act"). This regulation supplements the provisions of the Act. In the event of any conflict between the provisions of the Act and this regulation, the former shall control.

The provision of water service to annexed land is governed by this regulation. Part A contains the processes

for annexation of lands to the District. Part B contains the processes for obtaining water service for annexed lands from either the District or from one of its wholesale municipal customers and applies to lands that are inside or outside either the District Central Valley Project (CVP) Service Area or the Los Vaqueros Project (LVP) Service Area. The regulation applies to requests for annexation to or detachments from CCWD, or annexation to CCWD as part of a reorganization, whether through requests directly to the District or by application to the Local Agency Formation Commission (LAFCO). The regulation also provides fees to offset the costs associated with administering these requirements.

Under the terms of the District's contract with the U.S. Bureau of Reclamation ("Bureau") for CVP water, the Secretary of the Interior or the Secretary's duly authorized representative ("Secretary") must formally consent to inclusion of newly annexed lands into the District before such lands can receive CVP water. The "CVP Service Area" refers to all those lands within the District that have received such consent.

The District's LVP is a water quality and reliability project. Water from LVP facilities is approved for use in a defined area as set forth in the permits and environmental documentation for the Project. That area is referred to herein as the "LVP Service Area" and includes the planning area for the LVP as defined in the Los Vaqueros Project Final Environmental Impact Report/Environmental Impact Statement (Draft Stage 2 EIR/EIS for the Los Vaqueros Project, February 1992, pp. 1-6 - 1-7) and any lands to which the District's Board of Directors has consented to service from LVP facilities. The District must approve the addition of any lands to the LVP Service Area before such lands can receive service from LVP facilities in order to ensure that such service is consistent with the permits, environmental documentation, objectives and planning for the LVP.

A. Annexation of Lands to the District.

1. The District will initiate proceedings (including annexations, detachments and reorganization) if (1) evidence satisfactory to the District is presented that all, or a substantial portion, of the resident voters or property owners of the affected lands desire the action, (2) a map and legal description of the affected lands are submitted to the District, (3) the proponents of the proceedings pay the fees herein provided, and (4) the proponents agree to comply with the provisions of this regulation related to annexation of lands which are not within the District's CVP Service Area and/or not within the LVP Service Area. The initiation of proceedings by the Board shall not restrict or impair the powers of the Board in subsequent proceedings for annexation of the lands or any part thereof.

2. The District will be reimbursed for all costs for annexation of lands to the District, inclusion of lands to the Central Valley Project (CVP), or a combination of annexation and inclusion of lands. The appropriate charge

applies to proponents requesting annexation to detachments from CCWD, or annexation to CCWD as part of a reorganization, whether through requests directly to the district or by application to the LAFCO. The District charges are separate from any other fees which may be required by other agencies, including Bureau fees for processing an inclusion request. Reimbursable costs shall include all direct costs, including legal description verification, attorney review, document reproduction, public notices, District labor, etc., as well as a District overhead charge. Payment is required upon the proponent's formal application to LAFCO or the District, and shall be based on an estimate of the forgoing District costs within thirty calendar days. A minimum charge of \$800 shall apply to all requests. Costs estimates exceeding \$4,500 must be accompanied by a reimbursement contract between the District and the proponent. Upon completion of the process, any shortage in charges collected shall be paid within thirty days. Any surplus will be refunded to the applicant within thirty days.

B. Provision of Water Service to Annexed Lands.

1. No water shall be provided by the District to annexed lands unless and until a water supply is available for use on said lands, as confirmed in writing by the District. No water furnished by the CVP shall be provided by the District or any of its wholesale municipal customers for use on lands which are not in the District's CVP Service Area unless and until the Secretary gives written consent to the inclusion of such land in the District's CVP Service Area. A Confirmation Letter will be issued by the District for water service based upon a CVP water supply under the provisions of either subparagraph 1a or 1b set forth below; a Confirmation Letter for water service based on a non-CVP supply will be issued by the District under the provisions of subparagraph 1c set forth below.

a. At the time annexation is sought for the purpose of receiving treated water from the District, or an application is made for treated water service for lands previously annexed to the District, the District will notify the proponent of the annexation or the applicant for water service that the written consent of the Secretary is required before CVP water can be made available for use on the subject land. It shall be the responsibility of the proponent of the annexation or the applicant for water service to develop and provide the necessary environmental or other documentation necessary for such written consent. The District will pursue timely and prompt written consent decisions based on this documentation. The District will promptly issue the Confirmation Letter for treated water service utilizing CVP water after such consent has been received. No meter will be issued by the District for treated water service until a Confirmation Letter has been issued.

b. At the time annexation (or annexation to CCWD as part of a reorganization) is sought for the

purpose of receiving water service from one of the District's wholesale municipal customers, or an application is made to such a customer for water service for lands already annexed to the District, the wholesale municipal customer shall notify the District of the request. The District will notify the proponent of the annexation or the applicant for service and the wholesale municipal customer that written consent of the Secretary is required before CVP water can be made available for use on the subject land. It shall be the responsibility of the proponent of the annexation or the applicant for water service or the wholesale municipal customer to develop and provide the necessary environmental or other documentation necessary for such written consent. The District will pursue timely and prompt written consent decisions based on this documentation. The District will promptly issue a Confirmation Letter to the wholesale municipal customer authorizing water service utilizing CVP water purchased from the District after such written consent has been received.

c. If the District determines that a non-CVP water supply has been identified and is available or can be made available by the District in a timely manner to provide the water service requested, the District will issue a Confirmation Letter to the proponent of the annexation or the applicant for water service, and if necessary the wholesale municipal customer, describing the water supply available and any conditions and/or restrictions that might apply to its use on the subject land. Provision and delivery of such water shall be made subject to the conditions and/or restrictions that apply to use of said water supply.

2. Water service from LVP facilities will not be provided to lands outside the LVP Service Area by the District or its wholesale municipal customers. This paragraph describes the process by which the LVP Service Area can be adjusted by the District, and applies both to lands outside the LVP Service Area for which annexation to the District (either directly or through reorganization) is sought, and to lands previously annexed to the District which are outside the LVP Service Area and for which an application for water service is made to the District or to one of its wholesale municipal customers (which shall immediately inform the District when any such application is received). The District shall inform the annexation proponent, water service applicant and wholesale municipal customer that the District will not provide service from LVP facilities unless the District determines that:

a. The requested wholesale or retail service can only be provided from District facilities, which cannot feasibly be separated from LVP facilities;

b. The impact of the requested wholesale or retail water service on the LVP is *de minimis*; and

c. All necessary environmental documentation for the expansion of the LVP Service Area to include the land proposed for annexation to the District

has been provided by the proponent of the annexation or the applicant for water service and approved by the appropriate regulatory agency.

A determination of *de minimis* will be made if the cumulative increase in demand from the subject annexation and all other past and pending annexations are less than 5 percent of the demands presented in the LVP EIR/EIS (Draft Stage 2 EIR/EIS for the Los Vaqueros Project, February 1992, as summarized in Attachment A). The District's determinations pursuant to this section will be transmitted in a Confirmation Letter to the applicant for water service or the proponent of the annexation and, if necessary, the wholesale municipal customer. If the District determines that a wholesale municipal customer is using LVP facilities to provide water service to lands outside the LVP Service Area prior to the District's determination to adjust the LVP Service Area, it will direct the wholesale municipal customer to immediately cease this unauthorized use of District facilities. The water supply available to the wholesale municipal customer will be subject to immediate reduction by the District in the amount the District determines was improperly delivered to lands outside the LVP Service Area, and the wholesale municipal customer will be required to pay the full cost of service from LVP facilities (including fixed and variable costs and recovery of capital investment) as well as the actual costs of administering this regulation, for the water which was improperly served outside the LVP Service Area. (Res. 00-01 Exh. A (part); Res. 97-36 Exh. A (part); Res. 95-7 Exh. A (part))

5.04.130 Encroachment onto District Right-of-Way.

The following charges shall be paid by those individuals encroaching onto the District's right-of-way:

A. An Access Permit Fee of \$300.00 with an annual renewal charge of \$150.00. (Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part)); (Res. 95-7 Exh. A (part))

Chapter 5.08

TREATED (POTABLE) WATER SERVICE

Sections:

5.08.010	Service Area.
5.08.020	New Service-Facilities Required.
5.08.030	New Service-Application.
5.08.035	New Service-Applicability of Fees.
5.08.040	Service Connection-Fees.
5.08.050	Service Connection-Relocation.
5.08.060	Wholesale Treated (Potable) Water Service.
5.08.070	Term of Service.

5.08.010 Service Area.

No new service connection to the District's treated water system shall be made unless the land to be served is within Improvement District No. 1 of the District or proceedings have been initiated to annex the land to Improvement District No. 1.

The District shall establish from time to time service pressure ranges for all customers. The StandardServicePressureRange is 40 to 79 psig and all reasonable efforts to provide service within that range shall be made. What comprises reasonable efforts shall be determined solely and conclusively by the District. Specific areas where the pressure will be higher or lower than the StandardServicePressureRange shall be designated as Modified Pressure Service areas, adopted by the Board and administered by the General Manager. The General Manager shall be authorized to grant service to any customer within the areas so identified as described in Section 5.08.020. (Res. 91-56 § 1, Exh. A (part): Res. 90-84 Exh. A (part): Reg. 2(A))

5.08.020 New Service - Facilities Required.

No new service connection shall be made to the District's treated water distribution system unless there is a District water main in a street or right-of-way satisfactory to the District opposite the proposed location of the applicant's meter, and the main shall have a capacity and pressure adequate to provide safe and reliable water service as solely and conclusively determined by the District. In determining the adequacy of existing facilities, the District may take into consideration any fact or circumstance it considers relevant, including without limitation the water requirements of the land to be served by the new connection, the flows required for fire protection, and whether such use of water will substantially impair service to the District's existing customers. If the District determines that its existing facilities are not adequate to serve a new connection, the new service shall not be connected to the system unless and until such extensions of or additions to the District's facilities as the District shall consider necessary are constructed in accordance

with Chapter 5.28. The location, capacity, and design of such extensions or additions shall be determined solely and conclusively by the District, taking into consideration such factors as anticipated future land uses and water requirements, the desirability of looping water mains to increase reliability of service, flows needed for fire protection, and the District's long-range plans for capital improvements of the system.

In addition to the preceding requirements, if the property to which the service connection is sought is in an approved Modified Pressure Service area, new service shall not be provided unless and until the applicant installs a pump on the applicant's side of the meter which shall be maintained by the applicant at no cost to the District and installs one (1) inch nominal diameter piping from the meter throughout the remainder of the water supply system, excepting connections to faucets, sinks, and the like. Said pump shall provide pressure service to the applicant within the StandardServicePressureRange at the point of use. (Res. 91-56 § 1, Exh. A (part): Res. 90-84 Exh. A (part): Reg. 2(B))

5.08.030 New Service-Application.

Applications for new service shall be in writing on forms provided by the District, signed by the intended customer or his authorized agent. Application shall be supported by such data as the District shall reasonably require, such as a map or legal description of the property to be served; the date service is to begin; the name and billing address of the person responsible for the payment of the District's fees, charges, and rates; whether the person is the owner or tenant of the property; number of services being requested; and credit information. The application shall also be accompanied by the required information pertaining to the land levy tax credit as described in Section 5.08.040 A. unless the applicant expressly waives his or her entitlement, if any, to the land levy tax credit. The property must be within the territory of the District and within the appropriate improvement District. If the property to be served is part of a subdivision for which a final subdivision map has not been approved and recorded, applicant shall also provide an approved tentative subdivision map or an approved parcel map depicting the property as a separate parcel. If the property to be served is part of a subdivision to be constructed in more than one phase, and the property to be served was not contained in the first phase, applicant shall also provide approved improvement plans for the phase containing the property to be served. If the property to be served is part of a "land only" subdivision, applicant shall also provide an approved final subdivision map or an approved parcel map depicting the property as a separate parcel. In addition to the preceding requirements, if the property to which the service connection is sought is in a Modified Pressure Service area, and the District has approved such Modified Pressure Service, the applicant shall sign an agreement

consenting to Modified Pressure Service under the conditions specified in the preceding section. Said agreement shall be recorded in the Official Records of the County of Contra Costa against the property. Any application that does not comply with this section, Section 5.08.035, and the California Subdivision Map Act, or is not accompanied by all of the data and documentation described above, or does not provide sufficient information for the District to complete the water service design, shall be considered incomplete. (Res. 97-32 Exhibit. D (part); Res. 94-83 § 1; Res. 91-56 § 1, Exhibit A (part); Res. 90-84 Exhibit A (part) Reg. 2(C))

5.08.035 New Service-Applicability of Fees.

Each applicant for new treated water service shall be charged the applicable fees, including without limitation those charged under Section 5.08.040, in effect on the date a complete water service application is received by the District. (Res.97-32 Exhibit D (part); Res. 94-83 § 2); Res. 03-30 Exhibit A (part)

5.08.040 Service Connection-Fees.

For each new connection to the District's treated water system, and an existing connection on which a larger meter is installed due to increased water demand, the following charges shall be paid prior to the installation of the new service connection (or prior to installation of a larger meter on an existing connection).

A. A facilities reserve charge to cover a portion of the District's costs for water supply, treatment, storage, transmission and distribution facilities available to serve new connections and to provide a fund for reimbursement, on a case-by-case basis as provided in facilities installation agreements, of a portion of the costs of developer funded distribution facilities installed pursuant to Chapter 5.28.

<u>Meter Size</u>	<u>Charge **</u>
5/8 inch	\$ 18,966
¾ inch	28,450
3/4 and 1* inch	18,966
1 inch	47,416
1 ½ inch	94,832
2 inch	151,732
3 inch	303,463
4 inch	474,161
6 inch	948,323
8 inch	1,706,981
10 inch	2,750,137
12 inch	4,077,789
Dual 1 ½ inch	189,665
Dual 2 inch	303,463

* This charge applies to single-family residential units that could otherwise be served through a 5/8 inch meter, but are required by local fire protection District or fire department to

have an inside sprinkler system. Written confirmation from the local fire protection District or fire department is required.

** Except for those meters to which the preceding note (*) is applicable, these charges are 95 percent of an amount determined not to exceed the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) and treated water systems.

Each new connection to the District's treated water system for which the applicant has presented sufficient information shall be entitled to a credit, called the "land levy tax credit," against the applicable charges determined as set forth above in Subsection 5.08.040 A. in an amount that will reflect the present value of the prior land levy tax payments made for the property to be served by the new connection. The information to be presented by the applicant shall, at a minimum, be sufficient to enable the District to determine (1) when the property to be served by each new connection was annexed to the District and (2) the acreage to be served by each new connection. The land levy tax credit varies depending upon when each particular property was annexed into the District in accordance with the following schedule, which sets forth the cumulative amount of the land levy tax credit for each acre to be served by the new connection:

<u>Fiscal Year of Annexation</u>	<u>Cumulative Land Levy Tax Credit per Acre Served</u>
1976-77	\$59
1977-78	\$55
1978-79	\$52
1979-80	\$49
1980-81	\$46
1981-82	\$44
1982-83	\$43
1983-84	\$41
1984-85	\$38
1985-86	\$35
1986-87	\$32
1987-88	\$29
1988-89	\$26
1989-90	\$23
1990-91	\$20
1991-92	\$16
1992-93	\$13
1993-94	\$10
1994-95	\$ 8
1995-96	\$ 5
1996-97	\$ 2

The amounts set forth in the preceding table shall be prorated based upon the actual amount of land served by each individual connection, provided that the determination may, at the District's discretion, be performed for a group of connections that were the subject of a single application. The land levy tax credit applicable for years following fiscal year 1997-1998 shall be determined by the General Manager, using the

same cost components and criteria used to compute the amounts of the credit set forth in the preceding table.

For installation of a larger meter due to increased water demand, the charge shall be the difference between the current facilities reserve charge for the new meter and the current facilities reserve charge applicable to the size of meter being replaced, as set forth on the preceding table above, less any applicable credit or credits. The land levy tax credit shall be applicable only if no prior land levy tax credit was provided for the property to be served by the larger meter; in such case the amount of the credit shall be determined pursuant to the land levy tax table for the pertinent acreage and year of annexation.

The purpose of this charge is to pay a portion of the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) and treated water systems, including expenditures to create, finance, and preserve the major capital improvements which now comprise the District's water systems and those improvements which are expected to be added to that system. (Res. 15-02 Exh A (part), Res. 11-03 Exh A; Res. 09-01 Exh B. (Part); Res. 03-30 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 99-38 Exhibit A; Res. 97-32 Exhibit A; Res. 97-3 (part); Res. 96-13 Exhibit A; Res. 95-10 Exhibit A; Res. 95-9 Exhibit A; Res. 93-24 Exhibit A (part); Res. 93-15 § 1,2, Exhibits A and B; Res. 92-14; Res. 91-56 § 1, Exhibit A (part); Res. 90-61 (part); Reg. 2(D))

B. Service Line Charge. A service line charge to cover the District's cost of installing a service line from the main adjacent to the property to be served equal to the District's actual costs of design, materials, installation, and overhead, but not less than five thousand one hundred dollars (\$5,100).

C. Meter Charge. A meter charge, to cover the District's cost of installation and setting of the meter, as follows:

5/8 inch meters	\$70.00
3/4 inch meters	\$130.00
1 inch meters	\$170.00

Meters larger than 1 inch: The District's actual cost of materials and installation, including usual overhead charge. A charge of forty-four dollars (\$44.00) will be made for each installation (regardless of size) made at any time other than when the service line is installed. Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 04-03 Exh. A (part); Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 99-38 Exhibit A; Res. 97-32 Exhibit A; 97-3 (part); Res. 96-13 Exhibit A; Res. 95-10 Exhibit A; Res. 95-9 Exhibit A; Res. 93-24 Exhibit A (part); Res. 93-15 § 1,2, Exhibits A and B; Res. 92-14; Res. 91-56 § 1, Exhibit A (part); Res. 90-61 (part); Reg. 2(D))

D. Castle Rock Special Benefit Connection Charge. A charge to compensate for special benefits from facilities of Castle Rock

Assessment District shall be paid for new connections to the parcels of land outside said assessment District in the amounts as follows:

<u>Assessor's Parcel Number</u>	<u>Special Benefit Connection Charge</u>
138-150-012	53,969
138-150-014	9,436
138-150-017	14,380
138-230-014	9,420
138-240-002	24,764
138-250-003	10,547
138-260-007	31,067
138-260-008	19,228
138-260-018	11,800
139-130-009	46,743
139-140-002	21,111
139-151-001	73,805
139-151-002	20,122
139-160-001	29,271
139-160-002	9,422

It is intended that the above charges be increased annually commencing on January 1, 1991.

E. North Gate Special Benefit Connection Charge. A charge to compensate for special benefits from facilities of the North Gate Water Assessment District shall be paid for new connections to the parcels of land outside said assessment District in the amounts as follows:

<u>Assessor's Parcel Number</u>	<u>Special Benefit</u>
135-021-004	\$41,996
138-110-010	56,840
138-130-002	21,899
138-180-002	74,959
138-190-001	21,899
138-190-002	21,899
138-190-003	21,899
138-190-004	14,940
138-190-010	11,867
138-190-011	14,373
138-200-002	14,463
138-200-003	81,684
138-210-009	42,875
138-210-011	88,494

It is intended that the above charges be increased annually commencing on January 1, 1992.

5.08.050 Service Connection – Relocation.

A. If the District determines that relocation of an active service connection is necessary or desirable because of operations of the District or modifications of a street or right-of-way by a public agency, the relocation will be done without cost to the customer served by the connection.

B. If a service connection has no meter and is not being used, the District may elect to sever the connection without relocating it. Before doing so, it shall give ten days' prior written notice of its intended action to the owner of the land that the service connection is on or adjacent to. The notice shall be mailed to the owner at the address shown on the last equalized assessment roll of ContraCostaCounty.

C. If relocation or removal of a service connection is requested by a customer for reasons related to the District's provision of adequate water service to the customer's property, or to facilitate the use or maintenance of the customer's property by either the customer or the District, and if such a request is approved by the District (in its sole discretion), the District will perform the work upon payment of the amount of its costs thereby incurred, but not less than \$90.00. Costs shall include materials, labor, engineering, and overhead. Estimated costs shall be solely and conclusively determined by the District. The District's consideration of customer requests will take into account potential impacts to the cost effective, long-term operation of District facilities. The customer will sign a Relocation of Contra Costa Water District Facilities Agreement and deposit the amount of the estimated costs with the District prior to performance of the work. The point at which a service connection is relocated shall be subject to the District's approval. (Res. 95-50 Exh. A: Res. 91-56 § 1, Exh. A (part): Res. 90-84 Exh. A (part): Reg. 2(E))

charged applicable fees pursuant to Section 5.08.035. (Res. 13-02 Exh. A (Part); Res. 02-14 Exh. A (Part))

5.08.060 Wholesale Treated (Potable) Water Service.

Notwithstanding the provisions of this Chapter set forth above (consisting of Sections 5.08.010 through and including 5.08.050), the District may from time to time enter into agreements, on terms and conditions to be determined on a case-by-case basis by the Board of Directors, with publicly owned or investor-owned water utilities, or with other persons, for the provision of wholesale treated (potable) water for such utilities' or persons' distribution for use within the District. (Res. 98-2 § 1 (part))

5.08.070 Term of Service.

A. Treated water service pursuant to an approved application shall be provided until the service is terminated by the customer or the District. The District may at its discretion treat non-use of water for a period of 12 consecutive months as termination by the customer.

B. A customer may terminate service at any time by notice to the District.

C. The District may terminate service at any time for non-compliance with any regulation of the District or default in any payment due to the District.

D. Restoration of a terminated service shall be treated as an application for new water service and

Chapter 5.12

**CHARGES AND RATES-TREATED (POTABLE)
WATER SERVICE**

Sections:

- 5.12.010 Residential Single-Unit Service.**
- 5.12.020 Residential Multiple-Unit Service.**
- 5.12.030 Commercial Service.**
- 5.12.040 Industrial Service.**
- 5.12.050 Public Authority Service.**
- 5.12.060 Residential Irrigation Service.**
- 5.12.070 Commercial and Industrial Irrigation Service.**
- 5.12.080 Public Authority Irrigation Service.**
- 5.12.090 Private Fire Protection Service.**
- 5.12.100 Temporary Service.**
- 5.12.110 Wholesale Treated Water.**

5.12.010 Residential Single-Unit Service.

A. Applicable Service Connections.

1. A service connection shall be classified as residential single unit when any portion of the water from the connection is used to furnish treated water to a single-family dwelling (premise) unit for domestic purposes and the full service is recorded through one meter. A premise is determined per Section 5.32.020 Connections Subsection A.

B. Service and Demand Charge.

1. A charge for water service, irrespective of the quantity used, shall be applied to all residential single-unit connections to the District's treated water distribution system as follows:

<u>Meter Size</u>	<u>Charge Per Day</u>
5/8 inch	\$0.5707
¾ inch	0.8560
*¾ inch	0.6106
1 inch	1.4266
*1 inch	0.6163
1.5 inch	2.8533
2 inch	4.5652
3 inch	9.1304
4 inch	14.2663

* Single Family Residential unit with inside sprinkler system required by local fire District. Necessity of sprinkler systems requires written confirmation from the local fire District.

Lifeline Rates

<u>Meter Size</u>	<u>Charge Per Day</u>
5/8 inch	\$0.2854
¾ inch	0.4280
*¾ inch	0.3053
1 inch	0.7134
*1 inch	0.3081

* Single Family Residential unit with inside sprinkler system required by local fire District. Necessity of sprinkler systems requires written confirmation from the local fire District. (Effective 3-17-93)

2.

he applicable normal rate shall be charged for all connections unless the person in whose name the service is registered applies for lifeline rates and meets all the following requirements:

- a. The applicant is not less than sixty-two years of age or is receiving disability insurance benefits from the Social Security Administration; and
- b. The total annual income of the applicant's household is below the very low income level for Contra Costa County as established by the Department of Housing and Urban Development; and
- c. The meter size is not greater than one inch.

3. Applications for lifeline rates shall be on forms provided by the District and shall be submitted to the District's finance office. Eligibility for lifeline rates shall be conclusively determined by the Director of Finance or his/her designee.

C. Quantity Charge. For all water delivered, a charge of \$3.4513 per hundred cubic feet shall be applied.

D. Energy Surcharge. A surcharge for energy shall be applied to all water delivered through each residential single-unit meter connection to the District's treated water distribution system as follows:

<u>Zone in Which Service Connection is Located</u>	<u>Hundred Cubic Feet</u>
Zone No. 1	\$ 0.0767
Zone No. 2	0.1514
Zone No. 3	0.2120
Zone No. 4	0.2763
Zone No. 5	0.3889
Zone No. 6	0.4497
Zone No. 5E	0.5614
Zone No. 6E	0.5614
Zone No. 7	0.5614
Zone No. 8	0.7545

E. Public Fire Protection Surcharge. A surcharge for public fire protection to defray the cost of furnishing water for fire protection shall be applied to each connection to the District's treated water distribution system as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>
5/8 inch	\$ 0.0323
¾ inch	0.0323
1 inch	0.0323
1.5 inch	0.1615
2 inch	0.2585
3 inch	0.5169

4 inch 0.8077

F. Backflow Prevention Surcharge. A surcharge shall be applied to each service connection with a backflow prevention device as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>	
	<u>Double Check Valve or Air Gap System</u>	<u>Reduced Pressure Backflow Prevention Device</u>
5/8 inch	\$ 0.0430	\$0.0656
3/4 inch	0.0644	0.0984
1 inch	0.1074	0.1638
1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387

Res. 15-02 Exh a (part); Res. 13-02 Exh A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 93-12 § 1, Exh. A; Res. 91-56 § 2, Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Res. 90-33; Reg. 4§1

5.12.020 Residential Multiple-Unit Service.

A. Applicable Service Connections. A service connection shall be classified as residential multiple unit when any portion of the water from the connection is used to furnish treated water to two or more dwelling units for domestic purposes and all service is provided through one service connection.

B. Service and Demand Charges.

1. A service charge of \$0.0436 per day shall be paid for water service, irrespective of the quantity used, for all residential multiple-unit connections to the District's treated water distribution system.

2. A service charge of \$0.2354 per dwelling unit per day shall be paid for water service, irrespective of the quantity used, for all residential multiple-unit connections to the District's treated water distribution system.

C. Quantity Charge. For all water delivered, a charge of \$3.4513 per hundred cubic feet shall be applied.

D. Energy Surcharge. A surcharge for energy shall be applied to all water delivered through each residential multiple-unit meter connection to the District's treated water distribution system as follows:

<u>Zone in Which Service Connection is Located</u>	<u>Surcharge Per Hundred Cubic Feet</u>
Zone No. 1	\$ 0.0767
Zone No. 2	0.1514
Zone No. 3	0.2120
Zone No. 4	0.2763

Zone No. 5	0.3889
Zone No. 6	0.4497
Zone No. 5E	0.5614
Zone No. 6E	0.5614
Zone No. 7	0.5614
Zone No. 8	0.7545

E. Public Fire Protection Surcharge. A surcharge of \$0.0355 per dwelling unit per day shall be applied for public fire protection in order to defray the cost of furnishing water for fire protection.

F. Backflow Prevention Surcharge. A surcharge shall be applied to each service connection with a backflow prevention device as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>	
	<u>Double Check Valve or Air Gap System</u>	<u>Reduced Pressure Backflow Prevention Device</u>
5/8 inch	\$ 0.0430	\$0.0656
3/4 inch	0.0644	0.0984
1 inch	0.1074	0.1638
1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387
6 inch	2.1479	3.2770
8 inch	3.8701	5.9023
10 inch	6.2294	9.5093
12 inch	9.2450	14.1040
Dual 1.5 inch	0.4296	0.6556
Dual 2 inch	0.6874	1.0487

Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh A. (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 2)

5.12.030 Commercial Service.

A. Applicable Service Connections. A service connection shall be classified as commercial if the connection provides treated water service to a retail store, restaurant, office building, service outlet, or other commercial enterprise.

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all commercial connections to the District's treated water distribution system as follows:

<u>Meter Size</u>	<u>Charge Per Day</u>
5/8 inch	\$0.5707
3/4 inch	0.8560
1 inch	1.4266

1.5 inch	2.8533
2 inch	4.5652
3 inch	9.1304
4 inch	14.2663
6 inch	28.5325
8 inch	51.3585
10 inch	82.7443
12 inch	122.6898
Dual 1 ½ inch	5.7065
Dual 2 inch	9.1304

C. Quantity Charge. For all water delivered, a charge of \$3.4513 per hundred cubic feet shall be applied.

D. Energy Surcharge. A surcharge for energy shall be applied for all water delivered through each commercial meter connection to the District's treated water distribution system as follows:

<u>Zone in Which Service Connection is Located</u>	<u>Surcharge Per Hundred Cubic Feet</u>
Zone No. 1	\$ 0.0767
Zone No. 2	0.1514
Zone No. 3	0.2120
Zone No. 4	0.2763
Zone No. 5	0.3889
Zone No. 6	0.4497
Zone No. 5E	0.5614
Zone No. 6E	0.5614
Zone No. 7	0.5614
Zone No. 8	0.7545

E. Public Fire Protection Surcharge. A surcharge for public fire protection to defray the cost of furnishing water for fire protection shall be applied to each connection to the District's treated water distribution system as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>
5/8 inch	\$ 0.0323
¾ inch	0.0485
1 inch	0.0808
1.5 inch	0.1615
2 inch	0.2585
3 inch	0.5169
4 inch	0.8077
6 inch	1.6154
8 inch	2.9070
10 inch	4.6848
12 inch	6.9445
Dual 1 ½ inch	0.3231
Dual 2 inch	0.5169

F. Backflow Prevention Surcharge. A surcharge shall be applied to each service connection with a backflow prevention device as follows:

<u>Meter Size</u>	<u>Double Check Valve or Air Gap System</u>	<u>Reduced Pressure Backflow Prevention</u>
5/8 inch	\$ 0.0430	\$0.0656
¾ inch	0.0644	0.0984
1 inch	0.1074	0.1638
1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387
6 inch	2.1479	3.2770
8 inch	3.8701	5.9023
10 inch	6.2294	9.5093
12 inch	9.2450	14.1040
Dual 1.5 inch	0.4296	0.6556
Dual 2 inch	0.6874	1.0487

(Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 3)

5.12.040 Industrial Service.

A. Applicable Service Connections. A service connection shall be classified as industrial if the connection provides treated water service to a manufacturing or processing operation with a demonstrated average water use greater than 500 hundred cubic feet per month.

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all industrial connections to the District's treated water distribution system as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>
5/8 inch	\$0.5707
¾ inch	0.8560
1 inch	1.4266
1.5 inch	2.8533
2 inch	4.5652
3 inch	9.1304
4 inch	14.2663
6 inch	28.5325
8 inch	51.3585
10 inch	82.7443
12 inch	122.6898
Dual 1.5 inch	5.7065
Dual 2 inch	9.1304

C. Quantity Charge. For all water delivered, a charge of \$3.4513 per hundred cubic feet shall be applied.

D. Energy Surcharge. A surcharge for energy shall be applied to all water delivered through each commercial meter connection to the District’s treated water distribution system as follows:

<u>Zone in Which Service Connection is Located</u>	<u>Surcharge Per Hundred Cubic Feet</u>
Zone No. 1	\$ 0.0767
Zone No. 2	0.1514
Zone No. 3	0.2120
Zone No. 4	0.2763
Zone No. 5	0.3889
Zone No. 6	0.4497
Zone No. 5E	0.5614
Zone No. 6E	0.5614
Zone No. 7	0.5614
Zone No. 8	0.7545

E. Public Fire Protection Surcharge. A surcharge for public fire protection to defray the cost of furnishing water for fire protection shall be applied to each connection to the District’s treated water distribution system as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>
5/8 inch	\$ 0.0323
¾ inch	0.0485
1 inch	0.0808
1.5 inch	0.1615
2 inch	0.2585
3 inch	0.5169
4 inch	0.8077
6 inch	1.6154
8 inch	2.9070
10 inch	4.6848
12 inch	6.9445
Dual 1.5 inch	0.3231
Dual 2 inch	0.5169

F. Backflow Prevention Surcharge. A surcharge shall be applied to each service connection with a backflow prevention device as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>	
	<u>Double Check Valve or Air Gap System</u>	<u>Reduced Pressure Backflow Prevention Device</u>
5/8 inch	\$ 0.0430	\$0.0656
¾ inch	0.0644	0.0984
1 inch	0.1074	0.1638
1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387
6 inch	2.1479	3.2770
8 inch	3.8701	5.9023
10 inch	6.2294	9.5093
12 inch	9.2450	14.1040
Dual 1.5 inch	0.4296	0.6556

Dual 2 inch 0.6874 1.0487
 (Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A(part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 4)

5.12.050 Public Authority Service

A. Applicable Service Connections. A service connection shall be classified as public authority if the connection provides treated water service to a building or structure owned and operated by a federal, state, county, city, or other local public authority. This includes water service to the public fire department, public libraries, and military agencies.

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all public authority connections to the District’s treated water distribution system as follows:

<u>Meter Size</u>	<u>Charge Per Day</u>
5/8 inch	\$0.5707
¾ inch	0.8560
1 inch	1.4266
1.5 inch	2.8533
2 inch	4.5652
3 inch	9.1304
4 inch	14.2663
6 inch	28.5325
8 inch	51.3585
10 inch	82.7443
12 inch	122.6898
Dual 1 ½ inch	5.7065
Dual 2 inch	9.1304

C. Quantity Charge. For all water delivered, a charge of \$3.4513 per hundred cubic feet shall be applied.

A. Energy Surcharge. A surcharge for energy shall be applied to all water delivered through each public authority meter connection to the District’s treated water distribution system as follows:

<u>Zone in Which Service Connection is Located</u>	<u>Surcharge Per Hundred Cubic Feet</u>
Zone No. 1	\$ 0.0767
Zone No. 2	0.1514
Zone No. 3	0.2120
Zone No. 4	0.2763
Zone No. 5	0.3889
Zone No. 6	0.4497
Zone No. 5E	0.5614
Zone No. 6E	0.5614
Zone No. 7	0.5614

Zone No. 8 0.7545

E. Public Fire Protection Surcharge. A surcharge for public fire protection to defray the cost of furnishing water for fire protection shall be applied to each connection to the District’s treated water distribution system as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>
5/8 inch	\$ 0.0323
¾ inch	0.0485
1 inch	0.0808
1.5 inch	0.1615
2 inch	0.2585
3 inch	0.5169
4 inch	0.8077
6 inch	1.6154
8 inch	2.9070
10 inch	4.6848
12 inch	6.9445
Dual 1.5 inch	0.3231
Dual 2 inch	0.5169

F. Backflow Prevention Surcharge. A surcharge shall be applied to each service connection with a backflow prevention device as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>	
	<u>Double Check Valve or Air Gap System</u>	<u>Reduced Pressure Backflow Prevention Device</u>
5/8 inch	\$ 0.0430	\$0.0656
¾ inch	0.0644	0.0984
1 inch	0.1074	0.1638
1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387
6 inch	2.1479	3.2770
8 inch	3.8701	5.9023
10 inch	6.2294	9.5093
12 inch	9.2450	14.1040
Dual 1 ½ inch	0.4296	0.6556
Dual 2 inch	0.6874	1.0487

G. Educational Entities or State Agencies. Educational entities or state agencies will be charged the same nondiscriminatory rates, fees and charges as comparable nonpublic users pursuant to Government Code section 54999.1(f). Upon a request of an educational entity or state agency for a determination of whether any rate, fee or charge complies with Government Code section 54999.1(f), such determination shall be made by the General Manager. Should the General Manager determine that a rate, fee or charge should be adjusted, the amount of adjustment shall also be negotiated on behalf of the District by the General Manager, who shall recommend that the Board adopt an adjustment to such rate, fee or charge for the requesting

educational entity or state agency that complies with the provisions of Government Code 54999.3. (Res. 15-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 5); Res 06-02 Exh. A (part)

5.12.060 Residential Irrigation Service.

A. Applicable Service Connections. A service connection shall be classified as residential irrigation if the connection is used solely for treated water irrigation purposes on parcels of land with one or more residential dwelling units.

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all residential irrigation connections to the District’s treated water distribution system as follows:

<u>Meter Size</u>	<u>Charge Per Day</u>
5/8 inch	\$0.5707
¾ inch	0.8560
1 inch	1.4266
1.5 inch	2.8533
2 inch	4.5652
3 inch	9.1304
4 inch	14.2663
6 inch	28.5325
8 inch	51.3585
10 inch	82.7443
12 inch	122.6898
Dual 1.5 inch	5.7065
Dual 2 inch	9.1304

C. Quantity Charge. For all water delivered, a charge of \$3.4513 per hundred cubic feet shall be applied.

D. Energy Surcharge. A surcharge for energy shall be applied to all water delivered through each residential single-unit meter connection to the District’s treated water distribution system as follows:

<u>Zone in Which Service Connection is Located</u>	<u>Surcharge Per Hundred Cubic Feet</u>
Zone No. 1	\$ 0.0767
Zone No. 2	0.1514
Zone No. 3	0.2120
Zone No. 4	0.2763
Zone No. 5	0.3889
Zone No. 6	0.4497
Zone No. 5E	0.5614
Zone No. 6E	0.5614
Zone No. 7	0.5614
Zone No. 8	0.7545

B. Backflow Prevention Surcharge. A surcharge shall be applied to each service connection with a backflow prevention device as follows:

<u>ter Size</u>	<u>Surcharge Per Day</u>	
	<u>Double Check Valve or Air Gap System</u>	<u>Reduced Pressure Backflow Prevention Device</u>
5/8 inch	\$ 0.0430	\$ 0.0656
¾ inch	0.0644	0.0984
1 inch	0.1074	0.1638
1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387
6 inch	2.1479	3.2770
8 inch	3.8701	5.9023
10 inch	6.2294	9.5093
12 inch	9.2450	14.1040
Dual 1.5 inch	0.4296	0.6556
Dual 2 inch	0.6874	1.0487

(Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 6)

5.12.070 Commercial and Industrial Irrigation Service.

A. Applicable Service Connections. A service connection shall be classified as commercial or industrial irrigation if the connection is used solely for treated water irrigation purposes on parcels with commercial or industrial enterprises.

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all commercial or industrial irrigation connections to the District’s treated water distribution system as follows:

<u>Meter Size</u>	<u>Charge Per Day</u>
5/8 inch	\$0.5707
¾ inch	0.8560
1 inch	1.4266
1.5 inch	2.8533
2 inch	4.5652
3 inch	9.1304
4 inch	14.2663
6 inch	28.5325
8 inch	51.3585
10 inch	82.7443
12 inch	122.6898

Dual 1 ½ inch	5.7065
Dual 2 inch	9.134

C. Quantity Charge. For all water delivered, a charge of \$3.45.13 per hundred cubic feet shall be applied.

D. Energy Surcharge. A surcharge for energy shall be applied to all water delivered through each residential single-unit meter connection to the District’s treated water distribution system as follows:

<u>Zone in Which Service Connection is Located</u>	<u>Surcharge Per Hundred Cubic Feet</u>
Zone No. 1	\$ 0.0767
Zone No. 2	0.1514
Zone No. 3	0.2120
Zone No. 4	0.2763
Zone No. 5	0.3889
Zone No. 6	0.4497
Zone No. 5E	0.5614
Zone No. 6E	0.5614
Zone No. 7	0.5614
Zone No. 8	0.7545

E. Backflow Prevention Surcharge. A surcharge shall be applied to each service connection with a backflow prevention device as follows:

<u>ter Size</u>	<u>Surcharge Per Day</u>	
	<u>Double Check Valve or Air Gap System</u>	<u>Reduced Pressure Backflow Prevention Device</u>
5/8 inch	\$ 0.0430	\$ 0.0656
¾ inch	0.0644	0.0984
1 inch	0.1074	0.1638
1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387
6 inch	2.1479	3.2770
8 inch	3.8701	5.9023
10 inch	6.2294	9.5093
12 inch	9.2450	14.1040
Dual 1½ inch	0.4296	0.6556
Dual 2 inch	0.6874	1.0487

(Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); Res. 03-05 Exh. A (part); Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 7)

5.12.080 Public Authority Irrigation Service.

A. Applicable Service Connections. A service connection shall be classified as public authority irrigation if the connection is used solely for treated water irrigation purposes on federal, state, city and other local government or public agency properties. Public water service to parks, playgrounds, and street medians shall be included in this class of service.

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all commercial or industrial irrigation connections to the District's treated water distribution system as follows:

<u>Meter Size</u>	<u>Charge Per Day</u>
5/8 inch	\$0.5707
¾ inch	0.8560
1 inch	1.4266
1.5 inch	2.8533
2 inch	4.5652
3 inch	9.1304
4 inch	14.2663
6 inch	28.5325
8 inch	51.3585
10 inch	82.7443
12 inch	122.6898
Dual 1 ½ inch	5.7065
Dual 2 inch	9.1304

C. Quantity Charge. For all water delivered, a charge of \$3.4513 per hundred cubic feet shall be applied.

D. Energy Surcharge. A surcharge for energy shall be applied to all water delivered through each residential single-unit meter connection to the District's treated water distribution system as follows:

<u>Zone in Which Service Connection is Located</u>	<u>Surcharge Per Hundred Cubic Feet</u>
Zone No. 1	\$ 0.0767
Zone No. 2	0.1514
Zone No. 3	0.2120
Zone No. 4	0.2763
Zone No. 5	0.3889
Zone No. 6	0.4497
Zone No. 5E	0.5614
Zone No. 6E	0.5614
Zone No. 7	0.5614
Zone No. 8	0.7545

E. Backflow Prevention Surcharge. A surcharge shall be applied to each service connection with a backflow prevention device as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>	
	<u>Double Check Valve or Air Gap System</u>	<u>Reduced Pressure Backflow Prevention Device</u>
5/8 inch	\$ 0.0430	\$0.0656
¾ inch	0.0644	0.0984
1 inch	0.1074	0.1638

1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387
6 inch	2.1479	3.2770
8 inch	3.8701	5.9023
10 inch	6.2294	9.5093
12 inch	9.2450	14.1040
Dual 1.5 inch	0.4296	0.6556
Dual 2 inch	0.6874	1.0487

F. Educational Entities or State Agencies. Educational entities or state agencies will be charged the same nondiscriminatory rates, fees and charges as comparable nonpublic users pursuant to Government Code section 54999.1(f). Upon a request of an educational entity or state agency for a determination of whether any rate, fee or charge complies with Government Code section 54999.1(f), such determination shall be made by the General Manager. Should the General Manager determine that a rate, fee or charge should be adjusted, the amount of adjustment shall also be negotiated on behalf of the District by the General Manager, who shall recommend that the Board adopt an adjustment to such rate, fee or charge for the requesting educational entity or state agency that complies with the provisions of Government Code 54999.3. (Res 15-02 Exh. A (part); Res. 13-02 Exh A (part); (Res. 12-02 Exh A (part); Res. 11-03 Exh A (part); (Res. 06-02 Exh A (part)Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 8)

5.12.090 Private Fire Protection Service.

A. Applicable Service Connections. A service connection shall be classified as private fire protection if the connection is used solely for standby service for a privately owned fire protection system.

B. Service and Demand Charge. A charge for water availability and emergency service shall be applied to all private fire system connections to the District's treated water distribution system as follows:

<u>Detector Size</u>	<u>Charge Per Day</u>
2 inch	\$0.0227
3 inch	0.0450
4 inch	0.0704
6 inch	0.1406
8 inch	0.2529
10 inch	0.4081
12 inch	0.5916

C. Backflow Prevention Surcharge. A flat rate surcharge of \$0.6874 per day shall be applied to each

service connection with a double check valve backflow prevention device and \$1.0487 per day shall be applied to each service with a reduced pressure backflow prevention device.. (Res. 13-02 Exh A. (part); Res. 12-03 Exh A. (Part); Res. 11-03 Exh. A (part); (Res. 09-01 Exh. A (part); Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 9)

5.12.100 Temporary Service.

A. Applicable Service Connections and Considerations. A service connection shall be classified as temporary if the connection is made to a District fire hydrant or other temporary point of access and is determined by the District to be for temporary purposes. For this purpose, temporary service shall be defined as any anticipated or actual use with a duration of less than one year, whether continuous or intermittent.

1. Facilities Reserve Charges.

a. When the District determines that the duration of a proposed service will be temporary, it may furnish service on a temporary basis without payment of a Facilities Reserve Charge.

b. The Facilities Reserve Charge shall be paid for human consumption, domestic or livestock use with an anticipated or actual duration of more than one year, whether continuous or intermittent. The Facilities Reserve Charge will be based on the District’s estimate of the normal meter size of the place where the water is used.

c. If such service is discontinued within one year, the Facilities Reserve Charge will be refunded without interest.

d. If the service is continued for longer than one year, the Facilities Reserve Charge may be credited to any Facilities Reserve Charge thereafter imposed on the place where the water is used.

2. Installation and Removal Charges-Security Deposits. Applicants for temporary service will pay the District’s estimate of the cost of installing and removing the service connection and a reasonable security deposit for the meter.

B. Service Through Fire Hydrants.

1. Conditions of Service. Service will be furnished through fire hydrants only if the District finds that circumstances exist, which make it impractical to furnish service through a normal connection. The District may designate the particular hydrant or hydrants at which service will be furnished. Water will be furnished for use outside Improvement District No. 1 only on specific authorization of the Board of Directors for reasons of public health or safety or cases involving severe economic hardship.

2. Service for Human and Domestic Use. Water for human, domestic, or livestock use will be delivered from fire hydrants only for use at locations to which it is not feasible to extend the District’s distribution system. Feasibility shall be determined prior to establishing service and will be reviewed and determined by the District annually. Each person transporting water from fire hydrants for human consumption shall furnish proof that such person holds all required licenses and permits and is in compliance with all health regulations of all federal, state, and local governmental agencies having jurisdiction.

3. Metering. Portable meters furnished by the District will measure all water delivered through fire hydrants.

4. Applications. Applications for service from fire hydrants shall be made on forms furnished by the District.

C. Service and Demand Charge.

1. A charge for water service, irrespective of the quantity used, shall be applied to temporary connections to the District’s treated water distribution system as follows:

<u>Meter Size</u>	<u>Charge Per Day</u>
5/8 inch	\$ 0.5707
¾ inch	0.8560
1 inch	1.4266
1.5 inch	2.8533
2 inch	4.5652
3 inch	9.1304
4 inch	14.2663
6 inch	28.5325
8 inch	51.3585
10 inch	82.7443
12 inch	122.6898
Dual 1 ½ inch	5.7065
Dual 2 inch	9.1304

* Service used exclusively for residential human consumption and domestic use shall be billed at the 5/8-inch meter size rate.

D. Quantity Charge. For all water delivered, a charge of \$3.4513 per hundred cubic feet shall be applied.

E. Energy Surcharge. A surcharge of \$0.5614 per hundred cubic feet for energy shall be applied to all water delivered through each temporary connection to the District’s treated water distribution system irrespective of the zone in which the temporary service connection is located.

F. Public Fire Protection Surcharge. A surcharge for public fire protection to defray the cost of furnishing water for fire protection shall be applied to each connection to the District’s treated water distribution system as follows:

<u>Meter Size</u>	<u>Surcharge Per Day</u>
5/8 inch	\$ 0.0323
¾ inch	0.0485
1 inch	0.0808
1.5 inch	0.1615
2 inch	0.2585
3 inch	0.5169
4 inch	0.8077
6 inch	1.6154
8 inch	2.9070
10 inch	4.6848
12 inch	6.9445
Dual 1 ½ inch	0.3231
Dual 2 inch	0.5169

* Service used exclusively for residential human consumption and domestic use shall be billed at the 5/8-inch meter size rate.

G. Backflow Prevention Surcharge. A surcharge shall be applied to each temporary service connection with a backflow prevention device as follows:

<u>ter Size</u>	<u>Surcharge Per Day</u>	
	<u>Double Check Valve or</u>	<u>Reduced Pressure Backflow</u>
	<u>Air Gap System</u>	<u>Prevention Device*</u>
5/8 inch	\$ 0.0430	\$ 0.0656
¾ inch	0.0644	0.0984
1 inch	0.1074	0.1638
1.5 inch	0.2148	0.3277
2 inch	0.3436	0.5245
3 inch	0.6874	1.0487
4 inch	1.0740	1.6387
6 inch	2.1479	3.2770
8 inch	3.8701	5.9023
10 inch	6.2294	9.5093
12 inch	9.2450	14.1040
Dual 1 ½ inch	0.4296	0.6556
Dual 2 inch	0.6874	1.0487

* Service used exclusively for residential human consumption and domestic use shall be billed at the 5/8-inch meter size rate. (Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-4 Exh. A (part); Res. 98-2 § 2 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exh. A (part); Res. 91-56 § 2 Exh. B (part); Res. 91-18 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 4 § 10)

5.12.110 Wholesale Treated (potable) Water Service.

A. Applicable Service Connections: A service connection shall be classified as wholesale treated water service if the connection provides treated (potable) water

service to a publicly owned or investor-owned utility, or to another person, for resale purposes.

B. Wholesale Treated (potable) Water Charges and Rates: Notwithstanding the provisions of this Chapter set forth above (consisting of Sections 5.12.010 through and including 5.12.100), the District may, from time to time, enter into agreements with publicly owned or investor-owned utilities, or with other persons, for the sale of wholesale treated (potable) water. The methodology and calculation of wholesale treated water charges and rates shall be set forth in each such agreement, and shall, to the degree feasible, use the same cost components and criteria as those used to compute charges and rates for retail treated (potable) water service. (Res. 98-2 § 2 (part))

Chapter 5.14

**TREATED (POTABLE) WATER SERVICE
OUTSIDE TREATED WATER SERVICE AREA
(TWSA)**

8 inch	868,168
10 inch	1,398,715
12 inch	2,073,957
Dual 1 ½ inch	96,463
Dual 2 inch	154,341

Sections:

- 5.14.010 Service Outside Treated Water Service Area.**
- 5.14.020 Wholesale Treated Water Service for Golden State Water Company (GSWC).**

5.14.010 Service Outside Treated Water Service Area.

Consistent with Sections 5.04.100, 5.08.060, and 5.60.010, Contra Costa Water District may enter into agreements for the sale of treated water to municipal and/or industrial customers on a wholesale basis on terms based on the same components and criteria used to compute the per-connection amounts for new or larger connections to the water system of a wholesale municipal raw water customer as set forth in Section 5.20.010 F, Facilities Component, and which reflect unique circumstances of service and delivery. (Res. 98-20 Exh. A (part))

5.14.020 Wholesale Treated Water Service: Golden State Water Company (GSWC)

A. A facilities component applies to GSWC each time it issues new or larger meters. The facilities component shall become effective immediately, but shall become operative on the respective dates and in the respective amounts set forth in the tables presented below in subsection 5.14.020 A.1. The table that is applicable to a new or larger meter issued by GSWC shall be determined by the period in which the new or larger meter is issued.

1. For each new meter issued and for an existing connection on which a larger meter is installed due to increased water demand in the GSWC treated water system, the following charges shall be paid by GSWC prior to the installation of the new connection (or prior to installation of a larger meter on an existing connection):

<u>Meter Size</u>	<u>Charge</u>
5/8 inch	9,646
¾ inch	14,469
¾ and 1 * inch	9,646
1 inch	24,116
1 ½ inch	48,232
2 inch	77,170
3 inch	154,341
4 inch	241,158
6 inch	482,316

* This charge applies to single-family residential units that could otherwise be served through a 5/8 inch meter, but are required by local fire protection district or fire department to have an inside sprinkler system. Written confirmation from the local fire protection district or fire department is required.

2. For installation of a larger meter due to increased water demand, the charge shall be the difference between the current facilities reserve charge for the new meter and the current facilities reserve charge applicable to the size of meter being replaced, as set forth on the preceding table.

3. The remaining portions of the water rate for wholesale treated water service shall be as set forth in section IV.C of the Partnership Agreement.

4. The Board further determines the new facilities component of the water rate for wholesale treated water service to GSWC established by this Resolution codified in this chapter does not concern or constitute fees or charges imposed on a parcel or imposed on a person as an incident of property ownership and is therefore exempt from Proposition 218. The new facilities component of the wholesale municipal treated water rates established by this Resolution is imposed solely as a condition of expanded water service at the request of GSWC and is based upon the amount of water that can be used through the new meters issued by such Company. (Res. 11-03 Exh A (part); Res. 09-01 Exh. B (part); Res. 03-30 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 98-20 Exh. A (part); (Res. 06-02 Exh. A (part))

Chapter 5.16
UNTREATED (RAW) WATER SERVICE

Sections:

- 5.16.010** **Protection of System.**
5.16.020 **Application Required – Form.**
5.16.030 **Application – Contents.**
5.16.040 **Application Fees.**
5.16.050 **Term of Service – Reapplication – Fee.**
5.16.060 **Raw Water Facilities Reserve Charges.**
5.16.070 **Service Connection – Relocation.**

5.16.010 **Protection of System.**

For the purpose of protecting potable water supply systems against actual or potential cross-connections, no premises will be connected to the Contra Costa Canal System unless and until the applicant files with the District the written consent required by this regulation. If the premises are then being supplied with potable water by a water utility, the consent shall be by such utility. If the premises are then being supplied with potable water by a well or other local facility, the consent shall be by the Health Officer of the County of Contra Costa. (Res. 90-84 Exh. A (part); Reg. 3 (A))

5.16.020 **Application Required – Form.**

No raw water service will be furnished by the District unless and until an application therefore has been made to, and approved by, the District in accordance with this regulation. Applications shall be in writing on forms furnished by the District. A separate application shall be filed for each class of service to be furnished and for each separately operated parcel of land. (Res. 90-84 Exh. A (part); Reg. 3 (B))

5.16.030 **Application – Contents.**

Applications for service shall contain such information and shall be supported by such property descriptions, maps, and data regarding water diversion and use as the District shall reasonably require to assure that all water is put to reasonable beneficial use by reasonable means, that the quantity of water used is correctly determined, that the service is billed under the proper rate schedule of Chapter 5.20, that the District's fees and charges for the service are paid routinely, and that the applicant's diversion facilities are installed and maintained in accordance with the standards of the District. (Res. 90-84 Exh. A (part); Reg. 3 (C))

5.16.040 **Application Fees.**

The application fee for untreated water service is forty-six dollars (\$46.00).

(Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); (Res. 02-01 Exh. A (part); Res. 95-7 Exh. B; Res. 93-24 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 3 (D))

5.16.050 **Term of Service - Reapplication – Fee.**

A. Agricultural service pursuant to an approved application terminates at the end of the calendar year. A separate application must be filed for each calendar year prior to commencement of delivery of water in that year. A fee of ten dollars (\$10.00) shall be charged for each application for agricultural service filed on or after May 1.

B. Non-agricultural service pursuant to an approved application shall be provided until the service is terminated as specified in this Section by the customer or by the District. The District may in its discretion treat non-use of water for a period of 12 months as a termination by the customer.

C. A customer may terminate service at any time by notice to the District.

D. Notwithstanding any other provision of this Code, unmetered non-agricultural untreated water service from the Contra Costa Canal or a lateral connected thereto is permitted only for customers actually receiving such service as of the effective date of this provision, and such service is permitted to continue only until title to the property served is conveyed, whether voluntarily or involuntarily. Pursuant to this Subsection and Sections 5.32.010 and 5.32.110 of the Contra Costa Water District Code of Regulations, it is hereby determined to no longer be in the public interest to continue to provide unmetered non-agricultural untreated water service to the property after it is conveyed and such water service shall terminate immediately upon conveyance of the property.

E. The District may terminate service for non-compliance with any regulation of the District or for default in any payment due the District.

F. Restoration of a terminated service shall be treated as an application for new metered untreated water service, and the applicant shall be charged applicable fees in effect on the date a complete water service application is received by the District, including without limitation, the applicable charges for meter set-up and installation, and the fees imposed pursuant to Section 5.16.060, and as applicable, Section 5.28.060 (Res. 15-02 Exh A. (part); Res. 13-02 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 3 (E))

5.16.060 **Raw Water Facilities Reserve Charge.**

A. For each new connection to the District's untreated (raw) water system, and a connection on which a larger meter is installed due to increased water demand, a raw water facilities reserve charge shall be paid. The amount of the facilities reserve charge shall be determined by the General Manager, on a case-by-case basis, using the same cost components and criteria used to compute the per-connection amounts for new or larger connections to the water system of a wholesale municipal customer as set forth in Section

5.20.010 Facilities Component, which amounts are payable monthly as part of the water rates charged to the

District's wholesale municipal customers. This facility reserve charge shall be paid prior to installation of a new service connection or prior to the installation of a larger meter.

B. The purpose of this charge is to pay a portion of the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) water system, including expenditures to create, finance, and preserve the major capital improvements which now comprise the District's raw water system and those improvements which are expected to be added to that system.

C. Each new connection to the District's raw water system after February 1, 1998 for which the applicant has presented sufficient information shall be entitled to a credit, called the "land levy tax credit," against the applicable charges determined as set forth above in Subsection 5.16.060 A in an amount that will reflect the present value of the prior land levy tax payments made for the property to be served by the new connection. The information to be presented by the applicant shall, at a minimum, be sufficient to enable the District to determine (1) when the property to be served by each new connection was annexed to the District and (2) the acreage to be served by each new connection. The land levy tax credit varies depending upon when each particular property was annexed into the District in accordance with the following schedule, which sets forth the cumulative amount of the land levy tax credit for each acre to be served by the new connection:

<u>Fiscal Year of Annexation</u>	<u>Cumulative Land Levy Tax, Credit per Acre Served</u>
1976-77	\$59
1977-78	\$55
1978-79	\$52
1979-80	\$49
1980-81	\$46
1981-82	\$44
1982-83	\$43
1983-84	\$41
1984-85	\$38
1985-86	\$35
1986-87	\$32
1987-88	\$29
1988-89	\$26
1989-90	\$23
1990-91	\$20
1991-92	\$16
1992-93	\$13
1993-94	\$10
1994-95	\$ 8
1995-96	\$ 5
1996-97	\$ 2

The amounts set forth in the preceding table shall be prorated based upon the actual amount of land served by each individual connection, provided that the

determination may, at the District's discretion, be performed for a group of connections that were the subject of a single application. The land levy tax credit applicable for years following fiscal year 1997-1998 shall be determined by the General Manager, using the same cost components and criteria used to compute the amounts of the credit set forth in the preceding table.

D. If records establishing that a facilities reserve charge had previously been paid for a terminated or abandoned service, a customer seeking to restore service shall be granted an adjustment equivalent to the applicable facilities reserve charge in effect at the time the account was terminated or abandoned.

E. If there is no record that a facilities reserve charge was paid for the service address in question, restoration of service shall require payment equal to the difference between the facilities reserve charge currently in effect and the facilities reserve charge established by the District's 1998 Facilities Reserve Charge Update. (Res. 15-02 Exh. A (part); Res. 02-01 Exh. A (part); Res. 99-38 Exh. B; Res. 97-32 Exhibit B; 93-24 Exhibit A (part))

5.16.070 Service Connection – Relocation.

A. If the District determines that relocation of an active service connection is necessary or desirable because of operations of the District, the relocation will be done without cost to the customer served by the connection.

B. If the service connection has no meter and is not being used, the District may elect to sever the connection without relocating it. Before doing so, it shall give ten days prior written notice of its intended action to the owner of the land that the service connection is on or adjacent to. The notice shall be mailed to the owner at the address shown on the last equalized assessment roll of Contra Costa County.

C. If the relocation or removal of a service connection is requested by a customer for reasons related to the District's provision of adequate water service to the customer's property, or to facilitate the use or maintenance of the customer's property by either the customer or the District, and if such a request is approved by the District (in its sole discretion), the District will perform the work upon payment of the amount of its costs thereby incurred, but not less than ninety dollars. Costs shall include materials, labor, engineering and overhead. Estimated costs shall be solely and conclusively determined by the District. The District's consideration of customer request will take into account potential impacts to the cost-effective, long-term operation of District facilities. The customer will sign a relocation of Contra Costa Water District facilities agreement and deposit the amount of the estimated costs with the District prior to the performance of the work. The point at which a service connection is relocated shall be subject to the District's approval. (Res. 95-50 Exh. B)

Chapter 5.20

**CHARGES AND RATES - UNTREATED (RAW)
WATER SERVICE**

Sections:

- 5.20.010 Wholesale Municipal Service.**
- 5.20.020 Industrial Service.**
- 5.20.030 Landscape Irrigation Service.**
- 5.20.040 Agricultural Irrigation Service.**
- 5.20.050 Temporary Service.**
- 5.20.060 Surcharge for Service from Lateral Pipeline.**
- 5.20.070 Standby Service.**

5.20.010 Wholesale Municipal Service.

A. Applicable Service Connections. A service connection shall be classified as wholesale municipal if the connection provides raw water service to a municipality or other public agency.

B. Monthly Service Charges. A monthly service charge of \$187.69 shall be applied for each connection to the District's system.

C. Quantity Charge. A charge of \$1.9395 per thousand gallons of use shall be applied to service connections.

D. Demand Charges - Recording Meter. Customers having a service connection with a recording meter shall pay the following demand charges:

1. Maximum day demand charge of \$2.0130 per gallon per minute that shall be applied on a monthly basis to the highest measured excess of maximum day use over average daily use. Maximum day use means the highest measured flow in gallons per minute over any twenty-four-hour period. Average daily use means the average flow in gallons per minute over the 12-month period ending with the billing month during which the maximum day occurred. "Highest measured excess of maximum day use over average daily use" shall be ascertained at each billing period. The highest measured excess shall be that which occurs during the period after service was commenced but not longer than the most recent thirty-six months of service.

2. Maximum hour demand charge of \$1.6800 per gallon per minute that shall be applied on a monthly basis to the highest measured excess of maximum hour use over maximum day use. Maximum hour use means the highest measured flow in gallons per minute over any hour. Maximum day use shall be the same as that then currently used for computation of the maximum day demand charge. "Highest measured excess of maximum hour use" shall be ascertained at each billing period. The highest measured excess shall be that which occurs during the period after service was commenced but not longer than the most recent thirty-six months of service.

E. Demand Charge – Non-recording Meter.

Customers having a service connection with a non-recording meter shall pay a monthly demand charge of \$1.4640 per gallon per minute that shall be applied on a monthly basis to the customers' maximum monthly use in gallons per minute. Maximum monthly use means the highest measured flow in gallons per minute occurring in any month during the period after service was commenced but not longer than the most recent thirty-six months of service.

F. A facilities component applies to wholesale municipal customers who issue new or larger meters. The amount of the facilities component shall be as set forth in the tables presented below in subsection 5.20.010 F.1. The facilities component shall be effective immediately, but shall become operative on the respective dates set forth in such tables. The table that is applicable to a new or larger meter issued by a wholesale municipal customer shall be determined by the period in which the new or larger meter is issued, and the applicable column within each table shall be determined by the Service Area in which the new or larger meter is located.

1. For each new meter issued by a wholesale municipal customer within each service area during the previous month, such customer shall remit to the District on a monthly basis, no later than fifteen days following the end of the month, the amount specified in the applicable table below:

<u>Meter Size</u>	<u>Amount in Service Area A**</u>	<u>Amount in Service Area B***</u>	<u>Amount in Service Area C****</u>
5/8 inch	\$ 4,936	\$ 6,047	\$ 4,313
¾ inch	7,404	9,071	6,470
¾ and 1 inch*	4,936	6,047	4,313
1 inch	12,341	15,119	10,783
1-1/2 inch	24,682	30,237	21,565
2 inch	39,490	48,379	34,505
3 inch	78,981	96,758	69,009
4 inch	123,408	151,185	107,827
6 inch	246,816	302,370	215,654
8 inch	444,268	544,266	388,176
10 inch	715,765	876,874	625,395
12 inch	1,061,307	1,300,192	927,310
Dual 1 ½ inch	49,363	60,474	43,131
Dual 2 inch	78,981	96,758	69,009

* This amount is applicable to single-family residential units that could otherwise be served through a 5/8 inch meter, but are required by the local fire protection District or fire department to have an inside sprinkler system. Written confirmation from the local fire protection District or fire department is required.

** Except for those meters to which the first note (*) is applicable, these amounts are 95 percent of an amount determined not to exceed the estimated reasonable cost of

providing service to the new connection through the District's untreated (raw) water system.

*** Except for those meters to which the first note (*) is applicable, these amounts are 95 percent of an amount determined not to exceed the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) water system.

**** Except for those meters to which the first note (*) is applicable, these amounts are 95 percent of an amount determined not to exceed the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) water system.

Beginning on February 1, 1998, each wholesale municipal customer who is required to pay a facilities component in the amount set forth above in Subsection 5.20.010 F.1 shall distribute, to each person or entity requesting issuance of a new meter, a form provided by the District requesting information sufficient to enable the District to determine whether such person or entity shall be entitled to a credit, called the "land levy tax credit," in an amount that will reflect the present value of the prior land levy tax payments made for the property to be served by such new meter. Each wholesale municipal customer shall collect such forms, completed by the person or entity requesting issuance of a new meter, and forward them to the District with payment of the facilities component set forth above in Subsection 5.20.010 F.1.

Upon written request by persons or entities who have completed the forms, the District shall determine whether sufficient information has been presented to demonstrate that such person or entity is entitled to the land levy tax credit. The information to be presented by such customer shall, at a minimum, be sufficient to enable the District to determine (1) when the property to be served by each new meter issued by that wholesale municipal customer was annexed to the District, and (2) the acreage to be served by each new meter so issued. If sufficient information has been presented, such person or entity shall be entitled to a land levy tax credit. The District shall present to such person or entity a written determination of the amount of the land levy credit, if any, for which sufficient information has been provided, and the amount specified in such written determination shall be paid by the District to such person or entity within 60 days after the written determination is presented.

The land levy tax credit varies depending upon when each particular property was annexed into the District in accordance with the following schedule, which sets forth the cumulative amount of the land levy tax credit for each acre to be served by the new meter.

<u>Fiscal Year of Annexation</u>	<u>Cumulative Land Levy Tax Credit per Acre Served</u>
1976-77	\$59
1977-78	\$55
1978-79	\$52
1979-80	\$49
1980-81	\$46
1981-82	\$44
1982-83	\$43
1983-84	\$41
1984-85	\$38
1985-86	\$35
1986-87	\$32
1987-88	\$29
1988-89	\$26
1989-90	\$23
1990-91	\$20
1991-92	\$16
1992-93	\$13
1993-94	\$10
1994-95	\$ 8
1995-96	\$ 5
1996-97	\$ 2

The amounts set forth in the preceding table shall be prorated based upon the actual amount of land served by each individual meter, provided that the determination may, at the District's discretion, be performed for all or some portion of the meters issued by the wholesale municipal customer during the previous month. The land levy tax credit applicable for years following fiscal year 1997-98 shall be determined by the General Manager, using the same cost components and criteria used to compute the amounts of the credit set forth in the preceding table.

2. For each larger meter issued by a wholesale municipal customer within the specified Service Area during the previous month, such customer shall remit to the District on a monthly basis, no later than fifteen days following the end of the month, the difference between the respective amounts set forth in the applicable table (presented above in subsection 5.20.010 F.1) for the new meter and for the meter being replaced, above, less any applicable credit or credits. The land levy tax credit shall be applicable only if no prior land levy tax credit was provided for the property to be served by the larger meter; in such case the amount of the credit shall be determined pursuant to the land levy tax table for the pertinent acreage and year of annexation. The amount of the Facilities Reserve Charge Credit shall be the difference between the per-connection credit applicable for the new meter and the per-connection credit applicable to the size

of meter being replaced, as set forth on the preceding table.

3 The purpose of this component is to pay a portion of the estimated reasonable cost of providing service through the District's untreated (raw) water system to the wholesale municipal customer for the new connection, including expenditures to create, finance, and preserve the major capital improvements which now comprise the District's raw water system and those improvements which are expected to be added to that system. (Res 13-02 Exh. A (part); Res 12-03 Exh. A (part); Res 11-03 Exh. A (part); (Res. 09-01 Exh. b (part); Res. 04-03 Exh. A (part); Res. 03-30 Exh. A (part); (Res. 03-05 Exh. A (part); Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 99-38 Exhibit C; Res. 98-2 § 3 (part); Res. 97-32 Exhibit C; 97-3 (part); Res. 96-13 Exhibit B; Res. 95-55 (part); Res. 95-9 Exhibit B; Res. 95-6 Exhibit B (part); Res. 93-24 Exhibit A (part); Res. 91-56 § 3, Exhibit C (part); Res. 90-84 Exhibit A (part); Reg. 5 § 1)

5.20.020 Industrial Service.

A. Applicable Service Connections. A service connection shall be classified as industrial if the connection provides untreated water service to an industrial connection for use other than irrigation purposes.

B. Monthly Service Charges. A monthly service charge of \$187.69 shall be applied to each connection to the District's system.

C. Quantity Charge. A charge of \$1.9395 per thousand gallons of use shall be applied to service connections.

D. Demand Charges - Recording Meter. Customers having a service connection with a recording meter shall pay the following demand charges:

1. Maximum day demand charge of \$1.6064 per gallon per minute that shall be applied on a monthly basis to the highest measured excess of maximum day use over average daily use. Maximum day use means the highest measured flow in gallons per minute over any twenty-four-hour period. Average daily use means the average flow in gallons per minute over the twelve-month period ending with the billing month during which the maximum day occurred. "Highest measured excess of maximum day use over average daily use" shall be ascertained at each billing period. The highest measured excess shall be that which occurs during the period after service was commenced but not longer than the most recent thirty-six months of service.

2. Maximum hour demand charge of \$1.7709 per gallon per minute that shall be applied on a monthly basis to the highest measured excess of maximum hour use over maximum day use. Maximum hour use means the highest measured flow in gallons per minute over any hour. Maximum day use shall be the same as that then

currently used for computation of the maximum day demand charge. "Highest measured excess of maximum hour use" shall be ascertained at each billing period. The highest measured excess shall be that which occurs during the period after service was commenced but not longer than the most recent thirty-six months of service.

E. Demand Charge - Non-recording Meter. Customers having a service connection with a non-recording meter shall pay a monthly demand charge of \$0.5767 per gallon per minute that shall be applied on a monthly basis to the customers' maximum monthly use in gallons per minute. Maximum monthly use means the highest measured flow in gallons per minute occurring in any month during the period after service was commenced but not longer than the most recent thirty-six months of service. (Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 98-2 § 3 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exhibit B (part); Res. 91-56 § 3, Exhibit C (part); Res. 90-84 Exhibit A (part); Reg. 5 § 2)

5.20.030 Landscape Irrigation Service.

A. Applicable Service Connections. A service connection shall be classified as landscape irrigation if the connection provides untreated water service to a connection used exclusively for non-agricultural landscape purposes. Service provided exclusively for dust control and fire service purposes shall be classified as landscape irrigation.

B. Monthly Service Charges. A monthly service of \$26.38 charge shall be applied to each metered connection to the District's system.

C. Quantity Charge. A charge of \$1.9395 per thousand gallons of use shall be applied for all metered service connections.

D. Monthly Demand Charge. For each metered connection, a charge of \$2.1802 shall be applied per gpm of the maximum monthly use occurring since the effective date service is commenced but not longer than the most recent thirty-six months of service.

E. Unmetered Service. For each unmetered service connection, an annual charge of \$99.64 per 0.05 acres but not less than \$199.28 shall be paid based upon the area of land to which unmetered raw water landscape irrigation service is furnished (rounded up to the nearest 0.01 acres).

The annual rate for initial year of service will be prorated for the number of months from and including the month in which the flat rate service application is accepted by the District to the end of the irrigation season for that year. An irrigation season is defined as

April 1 through and including November 30 of each calendar year.

F. Area of Land Served. For the purposes of determining the annual rate, the area of the land to which the unmetered raw water landscape irrigation service is furnished shall be deemed to be the irrigated area of a parcel of land served by the District with raw water for the purpose of irrigation. The District will determine the amount of land being irrigated with raw water as part of the application process for unmetered raw water landscape irrigation service. Should a customer request that the District update its determination of the irrigated area of a parcel of land being served by the District, the District will, upon receipt of the customer's written application and the customer's payment of a fee of \$24.00 determine the area of the land within the parcel to which the District provides unmetered raw water landscape irrigation service.

G. For safety reasons, customers are not allowed to access the area beyond the canal liner fence under any circumstance. Customers with canal water service must contact the District to perform any work inside the liner fence. This may include screen cleaning, pipe removal and insertion, or debris clearance in the foot valve. During regular business hours, the service charge is \$70.00. After hours, recognized as after 3:30 p.m. on Monday through Friday, on weekends or on holidays, the service charge is \$180.00. (Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); Res. 03-10 Exh. A (part); (Res. 03-05 Exh. A (part); Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 98-2 § 3 (part); Res. 97-3 (part); Res. 95-8 Exhibit A; Res. 91-56 § 3, Exhibit C (part); Res. 90-84 Exhibit A (part); Reg. 5 § 3)

5.20.040 Agricultural Irrigation Service.

A. Applicable Service Connections. A service connection shall be classified as agricultural irrigation if the connection provides untreated water service to a connection used exclusively for commercial production of food or fiber crops or watering livestock on a parcel of land not less than two acres in area.

B. Annual Service Charges. For service connections used exclusively for livestock purposes, an annual charge of \$59.67 shall be applied. For service connections used for agricultural irrigation purposes, an annual service charge of \$22.50 shall be applied per acre or fraction thereof irrigated, but not less than \$58.27.

C. Quantity Charge. A charge of \$107.16 per acre-foot of use shall be applied for all water delivered. If the quantity is not metered, it shall be estimated by the District.

D. For safety reasons, customers are not allowed to access the area beyond the canal liner fence under any circumstance. Customers with canal water service must

contact the District to perform any work inside the liner fence. This may include screen cleaning, pipe removal and insertion, or debris clearance in the foot valve. During regular business hours, the service charge is \$70.00. After hours, recognized as after 3:30 p.m. on Monday through Friday, on weekends or on holidays, the service charge is \$180.00.

(Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A. (part) Res. 09-01 Exh. A. (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 91-56 § 3, Exhibit C (part); Res. 90-84 Exhibit A (part); Reg. 5 § 4)

5.20.050 Temporary Service.

A. Applicable Service Connections. A service connection shall be classified as temporary service if the connection provides untreated water service to a connection determined by the District to be temporary in nature.

B. Monthly Service Charges. A monthly service charge of \$26.04 shall be applied for each connection to the District's system.

C. Quantity Charge. A charge of \$1.9395 per thousand gallons of use shall be applied for all service connections.

D. Monthly Demand Charge. For each connection, a charge of \$0.6104 shall be applied for each gallon per minute of maximum monthly use occurring since the effective date service is commenced but not longer than the most recent thirty-six months of service and not less than 10 gpm.

E. Payment. Charges for temporary service shall be paid in advance on the basis of the District's estimate of the quantity to be used. Water used in excess of such estimate shall be paid for on receipt of invoice. Should it be determined by the District on termination of service that actual use was less than estimated, the District shall refund the amount paid for such difference.

F. For safety reasons, customers are not allowed to access the area beyond the canal liner fence under any circumstance. Customers with canal water service must contact the District to perform any work inside the liner fence. This may include screen cleaning, pipe removal and insertion, or debris clearance in the foot valve. During regular business hours, the service charge is \$70.00. After hours, recognized as after 3:30 p.m. on Monday through Friday, on weekends or on holidays, the service charge is \$180.00. (Res 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); (Res. 09-01 Exh. A (part); Res. 04-03 Exh. A (part); (Res. 03-05 Exh. A (part); Res. 02-01 Exh. A (part); Res. 01-04 Exh. A (part); Res. 00-01 Exh. A (part); Res. 98-2 § 3 (part); Res. 97-3 (part); Res. 95-55 (part); Res. 95-6 Exhibit B (part); Res. 91-56 § 3, Exhibit C (part); Res. 90-84 Exhibit A (part); Reg. 5 § 5)

5.20.060 Surcharge for Service from Lateral Pipeline

A. An annual surcharge in addition to the charges imposed by Sections 5.20.010 through 5.20.040 shall be applied to each service through a lateral pipeline from the ContraCostaCanal operated by the District for the purpose of recovering a portion of the capital cost thereof reimbursable to the United States Bureau of Reclamation. The surcharge shall be based on the design capacity of the customer's turnout as determined by the District and expressed in tenths of a cubic foot per second multiplied by the amount for each lateral as set forth below:

<u>Lateral at Milepost</u> <u>(Amount per 1/10 cu. ft./sec)</u>	<u>Amount Per Tenth of a</u> <u>Cubic Foot (Per Second)</u>
Milepost 5.3	\$ 31.00
Milepost 6.2	23.00
Milepost 7.1	40.00
Milepost 7.3	21.00
Milepost 9.1	14.00
Milepost 14.0	90.00
Milepost 25.6	47.00
Milepost 36.6	24.00
Milepost Y-2.6	27.00

B. In addition, all above laterals will have a minimum annual charge of three dollars. (Res. 02-04 Exh. A (part); Res. 95-6 Exh. B (part); Res. 91-56 § 3, Exh. C (part); Res. 90-84 Exh. A (part); Reg 5 §6)

5.20.070 Standby Service.

A. Applicable Service Connections. A service connection shall be classified as standby service if the connection provides untreated water as a standby or water availability service for uses that do not regularly recur such as firefighting.

B. Annual Service Charge. An annual charge based on the area of land to which service is furnished of \$274.68 per acre or fraction thereof shall be applied for standby service. (Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 91-56 § 3, Exhibit C (part); Res. 90-84 Exhibit A (part); Res. 90-36 Reg. 5 § 7)

Chapter 5.24

FIRE PROTECTION SERVICE

Sections:

- 5.24.010** **Conditions of Service.**
- 5.24.020** **Public Fire Hydrants.**
- 5.24.030** **Private Fire Protection Systems.**

5.24.010 **Conditions of Service.**

The District will provide water service for fire hydrants and other facilities used exclusively for fire protection at such pressure and at such rates of flow as may be available from time to time as a result of the operation of the District's storage, transmission, and distribution facilities. The District will review all fire protection system changes upon receipt of notification. All connections will be required to meet current District standards. The District does not warrant or guarantee any pressure or range of pressures or rates of flow. The District shall not be liable for any damage in any manner arising out of the non-availability of water or water pressure at any hydrant or facility used for fire protection. (Res. 13-02 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 6(A))

5.24.020 **Public Fire Hydrants.**

A. Public fire hydrants will be installed and connected to the District's mains when requested by the public fire protection entity having jurisdiction or when required as a condition of a building permit or subdivision.

B. When a hydrant is installed on an existing main at the request of the public fire protection entity, the work will be performed by the District and the entity will reimburse the District for the cost of the hydrant run, hydrant and bury unit.

C. When a hydrant is installed as a condition of a building permit or subdivision, the District's cost of design, materials and installation of the connection to the District's main, fire hydrant assembly, and all facilities and appurtenances thereto shall be paid by the holder of the building permit or the developer of the subdivision.

D. The District owns, repairs, inspects and maintains fire hydrants and buries units.

E. Fire hydrants will be removed or relocated at the expense of the person or entity requesting it. (Res. 13-02 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 6(B); Res. 06-02 Exh A (part))

5.24.030 **Private Fire Protection Systems.**

A. The District's cost of materials and installation, including usual overhead charges, for connections to the District's water distribution system for privately owned hydrants, sprinkler systems, and similar outlets used exclusively for fire protection shall be paid by the customer requesting the service. The District must

approve the placement of private fire hydrants and mains to eliminate parallel private hydrants and mains being placed in close proximity to District mains and fire hydrants.

B. The connection to the District's main, bypass meter, and reduced pressure detector assembly (if required) shall be designed, installed, owned, and maintained by the District.

C. The Fire Marshall shall determine fire protection requirements. The District shall solely and conclusively approve the number, location, and alignment of each fire service and required backflow equipment. A single fire service shall not be allowed to serve multiple buildings or premises.

D. The reduced pressure backflow prevention device shall be satisfactory to the District. The assembly shall be owned and operated by the District. The location of the assembly shall be determined by the District.

E. The District reserves the right to disconnect a privately owned fire protection system or to require a metered service to be installed in lieu thereof in the event water is taken through the detector check assembly for any use other than fire protection. (Res. 13-02 Exh. A (part); Res. 02-01 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 6(C); Res 06-02 Exh A (part))

Chapter 5.28

EXTENSIONS, ADDITIONS, AND RELOCATIONS

Sections:

- 5.28.010 A. Location - Design – Specifications.
- 5.28.010 B. Design Responsibility.
- 5.28.020 Engineering Services – Fees.
- 5.28.030 Installation.
- 5.28.040 Ownership and Operation.
- 5.28.050 New Facilities – Location.
- 5.28.060 New Facilities - Payment – Deposit.
- 5.28.070 Acknowledgment of Necessity.
- 5.28.080 Reimbursable Costs.
- 5.28.090 Reimbursement Funds.
- 5.28.100 Reimbursement Payments.
- 5.28.110 Assignment of Reimbursement Entitlement – Liens.

5.28.010 A. Location - Design – Specifications.

The location, design, and specifications of all extensions of and additions to the District's water storage and distribution system, including, without limitation, water mains, storage reservoirs, pumps, and appurtenances, all hereinafter referred to as "New Facilities," shall be determined solely and conclusively by the District. In determining what new facilities are required, the District shall take into consideration such factors as anticipated future land use and water requirements on the applicant's land and on other land which may be served through the facilities, flow and storage requirements for fire protection, the District's standard specifications, the District's long-range plans for its storage and distribution system, and the grid or network of pipelines which by looping shall provide multiple sources of water and multiple routes to move water to points of use. Mains shall be extended to the end of new street paving when such extension is required by the city or the county.

5.28.010 B. Design Responsibility.

The District shall design applicant facilities, however, in unique situations, an applicant may request an exception to this policy. The District will consider such requests on a case-by-case basis, taking into consideration the complexity of the new facilities, the impact on the existing facilities, the availability of District staff, the District's schedule requirements, the design capability of the applicant's designer and any other items that the District determines to be pertinent to the request. Exceptions shall be implemented with a project-specific agreement between the District and the applicant. The agreement shall provide for District approval of the applicant's designer. The District's determination shall be conclusive. (Res. 94-117 §§ 1,2; Res. 90-84 Exh. A (part); Reg. 7(A))

5.28.020 Engineering Services – Fees.

A. The District shall charge its costs of labor, materials and overhead for all work associated with:

1. Performing preliminary, agreement and final designs;
2. Considering applicant requests to perform designs;
3. Reviewing applicant designs;
4. All other work associated with an applicant's facilities; and
5. All untreated water service designs.

B. When performing initial or "shotgun" studies, the District will collect the actual cost of service, not to exceed the following:

<u>Number of Services</u>	<u>Charge</u>
Five or less	\$ 181.00
Six to 35	511.00
Greater than 35	738.00

The above not to exceed charges shall be adjusted for inflation annually.

(Res. 15-02 Exh. A (part); Res. 02-01 Exh. A (part); Res. 94-117 §§ 3; Res. 90-84 Exh. A (part); Reg. 7(B); Res 06-02 Exh A (part))

5.28.030 Installation.

New facilities will be installed by the District, unless the applicant elects to undertake the installation. The applicant may elect to install facilities by a competent and experienced contractor licensed for construction of water facilities (Class A or C-34), and approved by the District. Materials, such as pipe, valves, fittings, etc., but excluding construction materials, such as concrete, sand, asphalt, etc., will normally be supplied by the District. The applicant may, with the prior written approval of the District, furnish the pipe with a diameter greater than 16 inches to be used provided the manufacturer has certified to the District in writing that the pipe conforms to the District's specifications. The District shall be given reasonable opportunity to inspect the pipe prior to shipment from the place of manufacture or the supplier's yard. Depending on the pipe material specified, the District may require direct shipment by truck without off-loading from the place of manufacture or the supplier's yard to the site of installation. The District reserves the right to construct, with its own personnel or by contract, storage facilities, pumping plants, taps on existing mains, and extensions involving complicated connections to or interference with the District's facilities. (Res. 90-84 Exh. A (part); Res. 90-61 (part); Reg. 7(C); Res. 06-02 Exh A (part))

5.28.040 Ownership and Operation.

New facilities constructed in accordance with the District's specifications shall, upon acceptance by the District, become the property of the District and shall

thereafter be operated and maintained by the District as part of its water storage and distribution system. (Res. 90-84 Exh. A (part); Reg. 7(D))

5.28.050 New Facilities – Location.

New facilities shall be located only on land owned by the District in fee or in a public street or highway or in an easement granted to the District within a private all-weather roadway satisfactory to the District. The applicant will cause to be conveyed or granted to the District without cost to the District such lands and/or easements as the District determines to be necessary for the new facilities. Lands shall be conveyed to the District in fee simple, free and clear of liens or encumbrances, except such encumbrances of record that may be acceptable to the District. Easements shall be granted in such form as shall be satisfactory to the District. If the applicant is unable to acquire or convey such lands and/or easements, the District may, at its election, acquire the same at the expense of the applicant. (Res. 90-84 Exh. A (part); Reg. 7(E); Res. 06-02 Exh A (part))

5.28.060 New Facilities - Payment – Deposit.

In addition to paying those fees and charges required under Section 5.08.040, the applicant shall pay all the District's costs reasonably incurred in connection with the new facilities required by the District pursuant to Sections 5.28.010 and 5.28.020, including without limitation costs incurred in complying with the provisions of the California Environmental Quality Act; costs of acquisition of lands or easements pursuant to Section 5.28.050 engineering, legal, and administrative expenses; costs of labor, materials, construction, inspection, and testing; and the District's usual overhead charges. Prior to the final design and construction of the facilities, the applicant shall deposit with the District the amount of the District's estimate of said costs in cash, before the District begins preparation of the construction drawings. Construction drawings will not be released until the total estimated cost is deposited. After the construction work is completed, if the District's actual costs exceed the amounts previously deposited, the applicant will pay the deficiency to the District. If the amounts deposited exceed the District's actual costs, the excess will be refunded. (Res. 02-01 Exh. A (part); (Res. 97-32 Exhibit D (part); Res. 94-83 § 3; Res. 90-84 Exhibit A (part); Reg. 7(F))

5.28.070 Acknowledgment of Necessity.

Anyone who pays, deposits or agrees to pay all or part of the cost of any extension or improvement of the District's water distribution system thereby acknowledges that such extension or improvement is necessary and reasonable and releases the District from any liability based on a claim that a determination made by the District pursuant to Section 5.28.010 is or was

unnecessary or unreasonable. (Res. 90-84 Exh. A (part); Reg. 7 (G))

5.28.080 Reimbursable Costs.

A. The portion of capital costs paid by an applicant for water mains, storage, backup and pumping facilities that are incorporated into the District's treated water storage and distribution system shall be subject to reimbursement as provided in this chapter, unless a specific reimbursement agreement is separately executed by the District and the applicant.

B. Only "capital costs" as defined in Subsection 5.28.080.C are eligible for reimbursement under this chapter. Eligibility for reimbursement also depends upon which of the categories set forth in Subsection 5.28.080.C are applicable. Nothing in this section or sections 5.28.090, 5.28.100, or 5.28.110 shall in any way affect an applicant's respective obligations to pay all fees and charges in accordance with section 5.08.030, 5.08.035, 5.28.040, 5.08.050, and 5.28.020, or to install facilities in accordance with section 5.08.020, or to convey lands in accordance with section 5.28.050, or to deposit funds in accordance with section 5.28.060.

C. The following definitions shall govern reimbursement under this chapter.

1. "Capital costs" refers to the costs of District-funded capital treated water facilities, and also refers to those costs of applicant-funded capital treated water facilities transferred to the District which are listed below as being eligible for reimbursement:

a. For facilities designed and installed by the District: engineering, legal, and administrative expenses (associated with design and construction), costs of labor, materials, construction, labor, inspection and testing, but not costs of land acquisition or the District's usual overhead charges.

b. For facilities designed by the District and installed by applicant: engineering, legal, and administrative expenses (associated with design only), and costs of only those materials supplied by the District in accordance with section 5.28.030, and of such inspection and testing as is performed by the District, but not costs of land acquisition, labor, construction, engineering, legal, and administrative expenses (associated with construction), or the District's usual overhead charges.

c. For facilities designed by the applicant and installed by the District: costs of only those materials supplied by the District in accordance with section 5.28.030, construction, labor, engineering, legal, and administrative expenses (associated with construction), inspection, and testing, but not engineering, legal, and administrative expenses (associated with design), costs of land acquisition, or the District's usual overhead charges.

2. “Applicant project connections” are those connections for which facilities reserve charges have been paid by the applicant to the District by the time that ownership of the applicant-funded facility in question is transferred to the District. Nothing in this section shall in any way affect the time within which applicants must timely pay facilities reserve charges under section 5.28.035 and 5.28.040.

3. “Future connections” are those connections (including those of the applicant) which will receive beneficial use from the applicant-funded facility in question and for which facilities reserve charges have not been paid to the District by the time that ownership of the facility is transferred to the District. Nothing in this section shall in any way affect the time within which applicants must timely pay facilities reserve charges under section 5.28.035 and 5.28.040.

4. “Capacity dedicated to existing service deficiencies” is capacity dedicated to existing customers which will be specifically identified and requested by the District as part of the applicant funded project design process. (Res. 99-29 § 1 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 7(H))

5.28.090 Reimbursement Funds.

A. The District shall establish and maintain a separate interest bearing reimbursement account for each category (e.g., storage, pumping, pipelines, etc.) of the future projects component of the treated water facilities reserve charge. When treated water facilities reserve charges are collected, the portion comprising the future projects component thereof shall be segregated into the applicable categories and deposited and maintained in the corresponding separate interest bearing reimbursement accounts for those categories (e.g., storage, pumping, pipelines, etc.) of the future projects component of the treated water facilities reserve charge. These funds shall be used to reimburse both the District and applicant for the respective capital costs they have paid for the capacity of facilities within each respective category that are allocated to applicant project connections and/or future connections, if any.

B. The District’s general funds will be used to reimburse both the District and applicant for the respective costs they have paid for capacity allocated to existing capacity deficiencies.

C. Reimbursement shall be paid as specified in Section 5.28.100. (Res. 99-29 § 1 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 7(I))

5.28.100 Reimbursement Payments.

A. Reimbursement of capital costs of capacity allocated to applicant project connections shall be paid within 30 days of the District assuming ownership of the applicant funded facilities. Such payment shall be the pro rata amount of the actual capital cost corresponding to the proportion of the capacity of said facilities necessary to

serve the applicant project connections, provided that such payment shall not exceed the amount of the applicable category (e.g., storage, pumping, pipelines, etc.) of the future projects component of the treated water facilities reserve charge actually collected for applicant project connections.

B. Reimbursement of capital costs of capacity allocated to future connections in an applicant-funded facility shall be paid from the specific reimbursement account for the future projects component category (e.g., storage, pumping, pipelines, etc.) that includes the facility being reimbursed.

On or before March 1 of each year, the District shall pay to the applicant that portion of the total net amount then credited to each specific account maintained pursuant to Section 5.28.090, after deducting reimbursements paid from that account to all applicants for capacity allocated to applicant project connections under section 5.28.100.A, in the same proportion as the applicant’s reimbursement entitlement for the category applicable to that account bears to the total of all unexpired reimbursement entitlements for that category, including the District’s reimbursement entitlement for those projects that it has funded in that category.

In any given year, reimbursement of capacity provided for future connections in an applicant funded facility cannot exceed 20 percent of an applicant’s total reimbursement entitlement for that facility, and this reimbursement obligation shall expire and terminate when the District has paid the same in full without interest.

A. Reimbursement of capital costs of capacity dedicated to existing service deficiencies will be paid in five annual payments, without interest, with the first payment being made within 30 days of the District assuming ownership of the facilities. (Res. 99-29 § 1 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 7(J))

5.28.110 Assignment of Reimbursement Entitlement – Liens.

A. The District will not recognize any assignment or attempted assignment of a reimbursement entitlement unless the assignment is in form satisfactory to the District and is signed and acknowledged by the assignor. The District will furnish forms of assignment on request.

B. Except with the prior written approval of the District, no assignment of a reimbursement entitlement shall be effective until the first payment thereon from the extension facilities reimbursement fund is paid or payable. The District shall have a lien upon all money payable as a reimbursement entitlement for any indebtedness to the District of the holder of said entitlement. The District may exercise said lien without notice by transferring the appropriate amount from said fund to the general fund of the District at the time annual payments are made from the fund. (Res. 90-84 Exh. A (part); Reg. 7 (K))

Chapter 5.32

METERS

Sections:

5.32.010	Required.
5.32.020	Connections.
5.32.030	Location.
5.32.040	Remote Meters.
5.32.050	Treated Water - Size - Change of Size.
5.32.060	Raw Water - Size - Change of Size.
5.32.070	Frequency of Reading.
5.32.080	Access - Obstructions - Notice – Abatement.
5.32.090	Testing.
5.32.100	Service Through Fire Hydrants.
5.32.110	Unmetered Service.

5.32.010 Required.

The District shall install, set, and maintain a meter on each active water service connection, except special unmetered raw water services in accordance with Chapter 5.20 of this title, public fire hydrants, and connections used exclusively for fire protection in accordance with Chapter 5.24 of this title. (Res. 90-84 Exh. A (part): Reg. 8(A))

5.32.020 Connections.

A. A service connection and meter will be established for each premise to which water service is provided by the District. No more than one commercial building or one premise shall be served through a single service connection and meter. As used herein, "premise" means a parcel of real property or any improvements thereon which the District solely and conclusively determines is a separate unit for receiving, using, and paying for water service. In making said determination, the District will consider such factors as whether the premise is used for more than one enterprise or contains more than one dwelling unit, whether it is susceptible of subdivision, and the plumbing that would be required if more than one meter were installed. Additionally, the District determines a premise by evaluation of such building features as contiguous roofline, separate exterior entrances, individual mailing addresses, and other property characteristics. In general, a duplex, town homes and detached in-law/secondary units will require individual connections.

B. The District shall require separate service connections where large quantities of water are used for special uses; for example, landscape irrigation (except for a commercial building with a landscaped area of less than 200 square feet), swimming pools, common laundry facilities, or central water heating equipment. (Res. 90-84 Exh. A (part): Reg. 8(B); Res 06-02 Exh A (part))

5.32.030 Location.

The location of meters shall be governed by the following

A. The service line from the meter to the District's water main shall normally be straight and perpendicular to the main.

B. The meter shall be installed along the principal boundary of the parcel of land to be served that abuts a street or right-of-way satisfactory to the District and shall be near the limit line of the abutting street or right-of-way.

C. The meter shall be installed outside of driveways, sidewalks, or areas used by heavy equipment.

D. Subject to the foregoing, the customer may determine the point along the abutting boundary of the property where the meter shall be installed, subject to approval of the District. The District shall take into consideration the physical circumstances and the efficient installation and maintenance of District facilities and customer service lines. (Res. 90-84 Exh. A (part): Reg. 8(C))

5.32.040 Remote Meters.

A District meter will be set near the limit line of a street or right-of-way in which a District main exists, or where a new main will be installed for service to a lot that does not abut the street or right-of-way if all of the following conditions are met:

A. The customer's service line from the meter to the lot is entirely within a recorded permanent easement for roadway purposes.

B. The area including and entirely surrounding the lot and the area susceptible of service by the roadway to the lot cannot be developed with more than two premises with remote meters.

C. There is no reasonable probability that a public thoroughfare to the lot will be dedicated, improved, and accepted for maintenance by a public agency. (Res. 90-84 Exh. A (part): Reg. 8(D))

5.32.050 Treated Water - Size - Change of Size.

A. The size of meter for each service line may be selected by the customer and must be approved by the District. A meter will be replaced by a meter of a different size on a customer's request and payment of a charge of \$100.00 plus the excess of the current Facilities Reserve Charge (FRC) and Meter Charge over said current charges for the replaced meter plus the District's costs in making any necessary modifications or replacement of the service line from the main to the meter.

B. The District may, at its discretion, change the size of the meter for the purposes of ensuring the accurate

measurement of water usage. The District will bear the cost of meter size changes that it initiates. In the event of downsizing, credits for past FRC payments to obtain systems capacity shall be made in accordance with District administrative procedures as detailed in section 5.52.050. (Res. 13-02 Exh. A (part); Res.09-01 Exh B (part); Res. 02-14 Exh. A part); Res. 95-7 Exh. C; Res. 90-84 Exh. A (part): Reg. 8 (E))

5.32.060 Raw Water - Size - Change of Size.

A. The size of the meter for each service line shall be selected by the District. A meter shall be replaced by a meter of a different size, on a customer's request, subject to the District's approval. The customer will pay the District's cost, including overhead, as determined by the District.

B. The District may, at its discretion, change the size of the meter for the purpose of ensuring the accurate measurement of flow and usage. The District will bear the cost of meter size changes that it initiates. In the event of downsizing, credits for past payment for the facilities component of the raw water rate shall be made in accordance with District administrative procedures as detailed in section 5.52.050. (Res. 09-01 Exh B (part);Res. 02-14 Exh. A (part): Res. 90-84 Exh. A (part): Reg. 8(F))

5.32.070 Frequency of Reading.

Treated water meters will normally be read bimonthly. Raw water meters will normally be read in a manner consistent with the billing periods identified in Chapter 5.20 of this title. As it is not always possible to read meters at intervals, the period between reading dates may vary. Special readings will be made on commencement and termination of service and as required by special circumstances. (Res. 90-84 Exh. A (part): Reg. 8(G))

5.32.080 Access - Obstructions - Notice – Abatement.

By applying for or receiving water service from the District that is measured by a meter on privately owned property, the customer thereby licenses the District and its employees and agents to enter the property to read, inspect, test, repair, and replace the meter. The customer shall provide convenient access to the meter and shall not cause or permit any obstruction thereto. If a meter is obstructed, the District shall give notice thereof to a responsible occupant of the property served or by mail to the customer's address for billing. Within ten days thereof, the customer shall cause the obstruction to be removed or shall enter into an agreement with the District whereby the District shall remove the obstruction or relocate the meter at the expense of the customer. Failure to comply with this section shall be grounds for

disconnection of the service. (Res. 90-84 Exh. A (part): Reg. 8(H))

5.32.090 Testing.

The District will test the accuracy of any of its meters upon request of a customer, who will advance the cost of such test, as determined by District. The customer may, if he desires, witness the test. If a meter is found to be working improperly, it will be repaired or replaced by the District. If it is determined that the meter is registering more than 2% over the actual quantities passing through it, the cost of said test deposited by the customer shall be refunded. (Res. 90-84 Exh. A (part): Reg. 8(I))

5.32.100 Service Through Fire Hydrants.

Meters for service through fire hydrants furnished pursuant to Chapter 5.12.100 shall be read by the customer at monthly intervals. Reading shall be recorded on forms provided by the District that shall be delivered promptly to the District. A charge of \$20.00 will be made for each time it becomes necessary for the District to read a temporary service meter at a location other than the District's corporation yard.

Meters shall be returned to the District's corporation yard for inspection at intervals not greater than 120 days. If more than one meter is read at the same place at the same time, a charge of \$20.00 will be made for the first meter and a charge of \$50.00 for each additional meter. (Res.90-84 Exh. A (part) Reg. 8(J))

5.32.110 Unmetered Service.

The District will furnish unmetered raw water service only when the District determines that such service is not against the public interest. The District may temporarily suspend any class of unmetered service during periods of water shortage or threatened water shortage. (Res. 90-84 Exh. A (part): Reg. 8(K))

Chapter 5.36

UNTREATED (RAW) WATER ORDERS AND DELIVERIES

Sections:

- 5.36.010 Agricultural Service.**
5.36.020 Landscape Irrigation Service.
5.36.030 Municipal and Industrial Service.

5.36.010 Agricultural Service.

A. Agricultural water shall be delivered only on an order of the customer.

B. Orders for delivery of water shall be in writing on forms provided by the District and shall state the rate of flow desired, the date and hour of commencement of delivery, and the date and hour of ending delivery.

C. Orders will be received by the District on any business day (Saturdays, Sundays, and holidays excluded). Orders must be delivered on the District not later than twenty-four hours prior to the hour of commencement of delivery and not later than three p.m. on the business day prior to the commencement of delivery.

D. Subject to the provisions of Chapter 5.40 of this title, the District will use reasonable efforts to furnish water at an approximately constant rate of flow continuously from the hour of commencement to the hour of ending delivery stated in the customer's order. If the District determines that it is unable to furnish water as aforesaid, it will promptly notify the customer by phone if a number is indicated on the order, otherwise by mail to the address indicated thereon, and will state the alternate times and rate of flow at which water can be furnished to the customer. The customer may thereupon accept such alternates or may cancel such order.

E. An order to furnish water may be modified or canceled by written notice delivered to the District not later than twenty-four hours prior to the effective time thereof and not later than three p.m. on the business day preceding the effective date thereof.

F. Water ordered and made available by the District but not accepted by the customer shall nevertheless be conclusively deemed to have been furnished and delivered to the customer for the purpose of determining the rate payable under Chapter 5.20 of this title. (Res. 90-84 Exh. A (part): Reg. 9(A))

5.36.020 Landscape Irrigation Service.

A. Deliveries will be made at any time water is available at the point of delivery and without an order except when the customer is notified by the District of any cessation or limitation of diversion due to shortage of water.

B. Except with the prior written consent of the District, no delivery shall be at a rate of flow higher than the maximum diversion capacity stated in the customer's

approved application. (Res. 90-84 Exh. A (part): Reg. 9(B))

5.36.030 Municipal and Industrial Service.

A. Municipal and industrial water shall be delivered only on such order from the customer, as the General Manager of the District shall require.

B. The General Manager shall determine and shall notify each municipal and industrial customer regarding the manner and time such customer shall report its estimated water requirements, the period for which such estimated requirements shall be reported, and the manner in which changes in estimated requirements shall be reported.

C. Subject to the provisions of Chapter 5.04 of this title, the District will use reasonable efforts to furnish water to each municipal and industrial customer at the times and in the amounts estimated by such customer. (Res.90-84 Exh. A (part): Reg. 9 (C))

Chapter 5.40

BILLING - PAYMENTS - MISCELLANEOUS CHARGES

Sections:

5.40.010	Payments.
5.40.020	Penalty for Late Payment.
5.40.030	Disputed Bills.
5.40.040	Offsets.
5.40.050	Owner's Liability.
5.40.060	Security Deposits.
5.40.070	Charge for Returned Checks.
5.40.080	Collection Calls.
5.40.090	Adjustment of Bills.
5.40.100	Turn-on Charge - New Account Charge.

5.40.010 Payments

Unless otherwise expressly provided by contract or regulation, all charges and fees of the District are due and payable on mailing or presentation of a bill. The property owner shall be responsible to keep the District informed of the address to which bills are to be mailed. Payment shall be made at the District Center, 1331 Concord Avenue, Concord, California 94520, or by mail addressed to the District at Post Office Box H20, Concord, CA 94524-2099, or to a collector authorized by the District. (Res. 90-84 Exh. A (part): Reg. 10(A))

5.40.020 Penalty for Late Payment.

If a charge or fee is not paid within sixty days after mailing or presentation of a bill therefore, it is delinquent. A penalty charge may be added to all delinquent charges and fees for each 30 days or fraction thereof until paid. The penalty charge is one and one-half percent of the delinquent balance. The penalty charge is not an extension of credit, does not confer upon the customer any right to defer or delay any payment due the District, and does not limit any power of the District to enforce payment of any charge or fee when due. (Res. 90-84 Exh. A (part): Reg. 10(B))

5.40.030 Disputed Bills.

Dispute of a bill does not justify non-payment or delay in payment. Disputed bills shall be paid when due pending investigation and settlement of the dispute. Requests for investigation of a disputed bill shall be made in writing. (Res. 90-84 Exh. A (part): Reg. 10(C))

5.40.040 Offsets.

The District may offset any charge, fee, or other indebtedness due or owing by a customer to the District against any deposit, payment, credit or advance made by the customer. (Res. 90-84 Exh. A (part): Reg. 10 (D))

5.40.050 Owner's Liability.

Each owner of land shall be liable to the District for any delinquent unpaid charge of the District, including interest and penalties thereon, incurred by a tenant, licensee, or agent of such owner in connection with any service furnished by the District to or for use on the owner's land, or for any facility to provide such service to the owner's land. The amount of such charge, interest, and penalty may become a lien upon the owner's land in accordance with the provisions of Water Code Section 31701.7. (Res. 90-84 Exh. A (part): Reg. 10(E))

5.40.060 Security Deposits.

A. When Required. The District shall require as a condition of service a deposit of cash to secure payment of water rates at any time when the customer's credit is not satisfactory to the District. An irrevocable letter of credit in form and by a bank or other financial institution satisfactory to the District may be substituted for cash deposit of one hundred dollars (\$100) or more.

B. Amount. The amount of the deposit shall be two times the estimated bi-monthly water bill but not less than fifty dollars (\$50.00).

C. Application of Deposit. The District will apply the security deposit to any account owing to the District, which is delinquent for more than thirty days and will notify the customer of such application. Service may be disconnected if the account is not fully paid and the security deposit restored within ten days after such notice.

D. Refund. The security deposit will be returned to the customer without interest upon termination of the service and payment of all charges, fees, and indebtedness owed to the District by the customer or at such earlier time as the District may determine that the credit of the customer is satisfactory.

E. Determination of Satisfactory Credit. For the purpose of this regulation, determination of whether the credit of an applicant or a customer is satisfactory shall be made solely by the District. The credit of a customer who has paid all District bills without default or delay for the twelve months last past shall be deemed to be satisfactory. (Res. 90-84 Exh. A (part): Reg. 10(F))

5.40.070 Charge for Returned Checks.

A charge of twenty-five dollars (\$25.00) shall be paid for each check tendered as a payment to the District that is returned unpaid after negotiation by the District. (Res. 03-05 Exh. A (part); (Res. 90-84 Exh. A (part): Reg. 10(G))

5.40.080 Collection Calls.

A charge of twenty-five dollars (\$25.00) shall be paid for each occasion an employee of the District is dispatched to collect a delinquent bill. (Res. 90-84 Exh. A (part): Reg. 10(H))

5.40.090 Adjustment of Bills.

If a District bill for water service is disputed because the metered quantity delivered is excessive, the District shall credit the customer's account by one-half of the quantity charge applicable to the amount of water that exceeded the customer's normal use and by the full amount of any related excess use charge for the excess use subject to the following conditions:

A. The District after investigation shall find all of the following:

1. The meter was operating accurately;
2. There was no evidence that the excessive use was due to the intentional or negligent act of the customer;
3. After receipt of a District bill showing excessive use of water, the customer took prompt and reasonable action to ascertain the cause of the excessive use and to correct it;
4. The customer promptly repaired all known or apparent water leaks beyond the point of delivery by the District.
5. The customer did not have excess use charges in the twenty-four month period prior to the disputed bill.

B. The amount of normal use shall be determined by the District. The average measured quantity delivered during the same billing period or periods in the preceding two years will be used when available and representative of normal use.

If the customer has incurred excess use charges in the prior twenty-four month period, the District shall credit the customer's account by one-half of the quantity charge applicable to the amount of water that exceeded the customer's normal use, but only by one-half of the excess use charge for the disputed billing period

C. No adjustment shall be made for any charge or surcharge not based on the quantity of water delivered.

D. No adjustment shall be made for any period longer than six months or for water delivered after sixty days after the District notifies the customer of the excessive use.

E. No adjustment shall be made for an amount less than ten dollars (\$10.00).

F. No more than one adjustment shall be made in bills for water delivered in any twenty-four month period beginning on the first day of the billing period for which an adjustment is made. (Res. 91-56 § 4; Res. 90-84 Exh. A (part); Reg. 10(I))

5.40.100 Turn-on Charge - New Account Charge.

A charge of seventeen dollars (\$17.00) shall be paid for turning on a service and/or establishing a new account during regular working hours (eight a.m. to five p.m. daily except Saturdays, Sundays, and holidays), except

when the meter is originally set. A charge of seventy-one dollars and sixty-six cents (\$71.66) shall be paid for turning on a service at times other than the regular working hours. (Res. 13-02 Exh. A (part); Res. 02-01 Exh. A (part); Res. 97-3 (part); Res. 90-84 Exh. A (part); Reg. 10(J))

Chapter 5.44

WATER CONSERVATION

Sections:

- 5.44.010** **Prevention of Waste.**
5.44.020 **Encouraged.**
5.44.030 **Conservation Program – Rules and Regulations**

5.44.010 **Prevention of Waste.**

If the District finds, at its sole reasonable discretion, that a customer is wasting District-furnished water by failing to repair a leak in the customer's water system, by permitting excessive water run-off from the customer's premises, or by failing to put water received from the District to reasonable and beneficial use, the District shall issue a written warning to the customer to stop the waste. If the customer fails to take prompt, reasonable action to stop the waste, the District may at its discretion suspend delivery of water to the customer or install a device to restrict the flow of water to the customer until the District determines, at its sole reasonable discretion, that there will be no further waste of water by the customer. District determinations made pursuant to this section may be appealed in writing to the District's General Manager or his designee, whose decision shall be final and binding. (Res. 90-84 Exh. A (part): Reg. 11(A))

5.44.020 **Encouraged.**

The District encourages the installation of water-conserving landscaping and water-saving devices in plumbing and water-using appliances. (Res. 90-84 Exh. A (part): Reg. 11(B))

5.44.030 **Conservation Program – Rules and Regulations**

A. Purpose and intent – The purpose of this program is to conserve the water supply of the Contra Costa Water District ("District") for the greatest public benefit with particular regard to public health, fire protection, industrial and domestic use, to conserve water by reducing waste, to maintain water use at or below historical levels to ensure that the available supply is sufficient to meet the water needs of the District's customers, and to ensure that water supplies are sufficient in the event of conditions that restrict the District's available water supply.

B. Effective Period – These Regulations shall remain in effect until such date that they are amended, terminated, or superseded by a resolution of the Board

C. Allocation of Untreated Water – To ensure that the available supply is sufficient to meet domestic, municipal, and industrial water needs of the District's customers, each user of untreated water furnished by the District is strongly urged to not exceed their historical

use. A customer's historical use is the average quantity of water furnished by the District and used during the corresponding period in 2005, 2006, and 2007.

D. Allocation of Treated Water – To ensure that the available supply is sufficient to meet domestic, municipal, and industrial water needs of the District's customers, each user of treated water furnished by CCWD is strongly urged to not exceed their historical use. A customer's historical use is the average quantity of water furnished by the District and used during the corresponding period in 2005, 2006, and 2007.

E. Excess Use Charges – If a District customer uses water in excess of the applicable water usage thresholds enumerated below during any billing period, they will be subject to an excess use charge as follows:

1. During any billing period, any Single Family Residential, Multi-Family Residential, Irrigation and/or Agricultural customer with historical water usage of 1,000 gallons per day or less, that exceeds 1,000 gallons per day will be charged an Excess Use Charge equal to two times the current quantity charge for the customer class for the quantity of water used in excess of 1,000 gallons per day.

2. During any billing period, any Single Family Residential, Multi-Family Residential, Irrigation and/or Agricultural customer with historical water usage greater than 1,000 gallons per day, that exceeds their historical water usage will be charged an Excess Use Charge equal to two times the current quantity charge for the customer class for the quantity of water used in excess of their historical use.

Historical water usage is based on the average water use for the same billing period during the three year base period (2005, 2006, and 2007).

F. Exceptions and Waivers – Written applications for exceptions to, or waivers from, any provision of the Conservation Program Rules and Regulations shall be granted in any case where the District determines, at its sole reasonable discretion, that the water budget, restriction, or prohibition may create a hazard to the health and safety of any individual or the public, or would cause undue hardship, including but not limited to, adverse economic impacts such as loss of production or jobs. Denial of an application may be appealed in writing to the District's General Manager or his designee, whose decision shall be final and binding.

Any customer whose account does not have consumption history for all, or any portion, of the three-year base period (2005, 2006 and 2007) used under these Conservation Rules and Regulations to establish the basis for their historical use, may apply for an exception so that an adjusted water budget may be established. Exceptions become effective on the date of approval and are not applied retroactively.

G. If any provision of the Conservation Program Rules and Regulations, or any part thereof, is for any

reason held to be ultra vires, invalid, unenforceable, or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of these Conservation Rules and Regulations are severable.

Chapter 5.48

PROTECTION OF WATER SUPPLY AND FACILITIES

any damage to the District and for personal injury resulting therefrom. (Res. 90-84 Exh. A (part): Reg. 12(E))

Sections:

- 5.48.010 Unlawful Taking of Water.**
- 5.48.020 Pollution of Water Supplies.**
- 5.48.030 Damage to Facilities.**
- 5.48.040 Trespass on Right-of-Way.**
- 5.48.050 Electric Grounds Prohibited.**

5.48.010 Unlawful Taking of Water.

No person shall open any valve or fire hydrant or by other means take or draw any water from any reservoir, pipe, canal, or other facility owned or operated by the District without the prior specific authorization of the District. The District may prosecute violators of Section 498 and 625 of the California Penal Code which make it a misdemeanor to tamper with or bypass meters, to take water without payment, or to take water from or through a connection that has been shut off by the District. (Res. 90-84 Exh. A (part): Reg. 12(A))

5.48.020 Pollution of Water Supplies.

No person shall place any waste matter, rubbish, or foreign material in any canal, well, reservoir, tank, or conduit operated by the District. The District may prosecute violators of Section 374.7 and 592 of the California Penal Code and Section 4702 of the Ordinance Code of Contra Costa County, which makes it a misdemeanor to pollute public water supplies. (Res. 90-84 Exh. A (part): Reg. 12(B))

5.48.030 Damage to Facilities.

The District may prosecute violators of Section 607 and 624 of the California Penal Code which make it a misdemeanor to damage willfully properties and facilities owned or operated by the District. The District may also bring a civil action for treble damages under Section 1882.2 of the Civil Code. (Res. 90-84 Exh. A (part): Reg. 12(C))

5.48.040 Trespass on Right-of-Way.

The District may prosecute violators of Section 4701 of the Ordinance Code of Contra Costa County which makes it unlawful to trespass on any portion of the right-of-way of the ContraCostaCanal not designated as a recreational trail or to swim or fish in the Canal. (Res. 90-84 Exh. A (part): Reg. 12(D))

5.48.050 Electric Grounds Prohibited.

No electric circuit shall be grounded to any pipe or other facility of the District or to any plumbing or metal in contiguity therewith. Any person who makes, or permits to be made, such a connection will be liable for

Chapter 5.52

DISCONNECTION AND RECONNECTION

Sections:

5.52.010	Disconnection - Customer Request.
5.52.020	Disconnection - District Discretion.
5.52.030	Disconnection – Nonpayment.
5.52.040	Disconnection – Charges.
5.52.050	Reconnection.

5.52.010 Disconnection - Customer Request.

The District will disconnect water service lines at the point of delivery during regular working hours on any business day requested by a customer provided the request is received by the District not later than five business days prior to the date of disconnection. The customer shall be responsible for payment for all service rendered prior to actual disconnection. (Res. 90-84 Exh. A (part); Reg. 13(A))

5.52.020 Disconnection - District Discretion.

A. The District may disconnect any water service line or shut off any facility used to deliver water from the District for any of the following reasons:

1. The customer or any agent or tenant of the customer fails to comply with any regulation of the District.
2. Water service is being furnished without a proper application or pursuant to an application containing a misrepresentation of material fact.
3. There is evidence of unlawful tampering or interference with the District's facilities by the customer.
4. The District, the County Health Officer, or the State Department of Health Services finds that there exists a condition hazardous to the health and safety of the customer or any water user of the District, including, without limitation, the absence or malfunctioning of a required backflow prevention device.
5. The customer or occupant of the land served fails, after notice from the District, to remove an obstruction that prevents or unreasonably impairs the reading of the meter.

B. Any breach of a regulation of the District that endangers or threatens to endanger the public health and safety may result in disconnection without prior notice. (Res. 90-84 Exh. A (part); Reg. 13(B))

5.52.030 Disconnection – Non-payment.

The following procedures shall govern disconnection or shutoff of a service line for default in the payment of any bill, charge, fee, or indebtedness to the District:

A. Customers are notified when accounts reach 30, 45, and 60 days of unpaid status. If payment is not made, a notice of intention to disconnect or shut off the service line shall be provided at least 48 hours prior to

disconnection to the customer at the address to which the District's bills are mailed and to the address of the legal property owner whose name and address appears on the last equalized secured property tax assessment roll. A copy of the notice shall be delivered to each additional residential unit furnished water through the service line.

B. The notice shall state the amount of the delinquent account, the date of proposed disconnection or shutoff, and that the District will on request make an investigation of, and hold a hearing on, any disputed bill, charge, fee, or indebtedness.

C. No disconnection or shutoff shall be made on a Saturday, Sunday, or holiday, or at any time when the business office of the District is not open, or during the pendency of any District investigation of, or hearing on, the bill, charge, fee, or indebtedness involved. (Res. 15-02 Exh. A (part); Res. 13-02 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 13(C))

5.52.040 Disconnection – Charges.

A charge of thirty dollars and eighty-eight cents (\$30.88) shall be paid for each occasion that an employee of the District is dispatched to disconnect or shut off a service line pursuant to the provisions of Section 5.52.020 or 5.52.030 of this chapter. (Res. 02-01 Exh. A (part); Reg. 90-84 Exh. A (part); Reg. 13(D))

5.52.050 Reconnection.

A. Whenever an untreated or treated water service connection is downsized or terminated (abandoned) the District shall issue a notification letter to the customer. The letter shall contain:

- Name of the customer
- Address (or parcel number) of the service
- Date of downsize/termination of service

A credit for the value of water system capacity being relinquished shall be determined based on the size of the meter being removed or declared abandoned at the time the action takes place. In the case of downsizing, the credit shall equal the difference in the FRCs for the existing and the new downsized meters that are in effect at the time that the downsizing occurs. In the case of irrigation services of public agencies, the District shall continue to allow the use of credits for new/upsized service connections in the vicinity of the original service. Services determined to have been abandoned prior to 1987 shall not be eligible for FRC credits since they would not have contributed to subsequent system reliability improvements. Customers with services that may become subject to abandonment shall be notified in writing in advance of any determination of abandonment that their services may be subject to such determination, and advised to contact the District with mitigating circumstances, if any.

B. A disconnected service line shall be reconnected when payment, or arrangement for payment

satisfactory to the District, has been made of all charges for water service theretofore furnished through the connection to the owner of the land or to a tenant, licensee, or agent of the owner and for all bills and indebtedness of the customer requesting reconnection. A charge of \$30.88 shall be made for each such reconnection. (Res. 09-01 Exh B. (Part); Res. 02-01 Exh. A (part); Res. 90-84 Exh. A (part); Reg. 13(E))

Chapter 5.56

PREVENTION OF CONTAMINATION

Sections:

5.56.010	Purpose and Authority.
5.56.020	Definitions Adopted.
5.56.030	Backflow Protection Required.
5.56.040	Type of Device.
5.56.050	Discontinuance of Service.
5.56.060	Device Charge.
5.56.070	Installation Charge.
5.56.080	Service Charge.
5.56.090	Liability.

5.56.010 Purpose and Authority.

The purpose of this regulation is to prevent water from unapproved sources, or any other substance, from entering the District's treated water distribution system, in accordance with the regulations of the California Department of Health Service relating to cross-connections (17 California Administrative Code, Section 7583, et seq.). This chapter is intended to supplement, but not supersede, state and local statutes, codes, ordinances, and regulations relating to water supply and plumbing. (Res. 90-84 Exh. A (part); Reg. 14(A))

5.56.020 Definitions Adopted.

The words defined in 17 California Administrative Code Section 7588 to 7594 shall have the same meaning in this chapter. (Res. 90-84 Exh. A (part); Reg. 14(B))

5.56.030 Backflow Protection Required.

Backflow prevention devices shall be installed by the District on each service connection to any premise having any of the following:

A. A well or other additional source of water, or a connection to or access to an additional source of water, including recycled water;

B. Any substance handled under pressure in such fashion as to permit entry into the water system;

C. Any material dangerous to health or toxic substance;

D. A swimming pool supplied by a separate water service or without a satisfactory air gap or anti-siphon device on the inlet line;

E. More than one connection to the District's facilities and flow from one service to another can occur;

F. Any internal pressure boosting system;

G. An irrigation system supplied by a separate water service, including recycled water, or without a satisfactory anti-siphon device on the inlet line.

H. Water hauling equipment that fills from hydrants;

I. Fire protection systems which have an actual or potential contamination hazard to the District's distribution system;

J. Multi-story buildings which have a potential contamination hazard to the District's distribution system.

K. All new residential connections with a fire sprinkler system shall have approved backflow prevention installed. Backflow requirements will be determined by the District's Engineering Department on a case by case basis. In general, a flow through fire system would require the installation of a double check valve assembly. A system without flow through or with the addition of a pressure booster system and chemical additions would require the installation of a reduced pressure detector assembly. (Res. 13-02 Exh. A (part); Res. 95-7 Exh. D (part); Res. 90-84 Exh. A (part); Reg. 14(C))

5.56.040 Type of Device.

The types of backflow prevention devices are required as follows:

A. A service connection to premises having an auxiliary water supply not interconnected, or more than one connection to the District's raw or treated water facilities not interconnected shall be protected by an approved double check valve assembly.

B. A service connection to premises handling dangerous, or toxic materials, (e.g.; industrial plants, wharves, hospitals, or mortuaries) or a connection having an internal boosting system, internal systems containing water of deteriorated quality, or using recycled water (requires Health Department approval), or an interconnected auxiliary water supply shall be protected by an approved reduced pressure principle backflow prevention device, properly located and installed.

C. A service connection to any sewage treatment plant or sewage pumping stations shall be protected by an air-gap separation properly located and installed by the Applicant and a reduced pressure backflow prevention device installed by the District. (Res. 95-7 Exh. D (part); Res. 90-84 Exh. A (part); Reg. 14(D))

5.56.050 Discontinuance of Service.

The District may discontinue service of water to any premises and may physically disconnect the customer's piping from the District's water distribution system if a backflow prevention device required by this regulation is not installed or if any defect is found in an installed backflow prevention device or if it is found that a backflow prevention device has been removed or bypassed or if unprotected cross-connections exist on the premises. Service will not be restored until such conditions or defects are corrected. (Res. 90-84 Exh. A (part); Reg. 14(E))

5.56.060 Device Charge.

A. The customer shall pay a charge for the backflow prevention device as follows:

1. Double check valve assembly for 5/8" meter, two hundred fifty-four dollars (\$254.00);

2. Double check valve assembly for 3/4" meter, two hundred fifty-four dollars (\$254.00);

3. Double check valve assembly for one-inch meter, two hundred ninety-one dollars (\$291.00).

B. For all other devices, the charge shall be the District's cost for the device and related material plus overhead charges. If a device is replaced by one of larger size or different type, the customer shall pay the excess of the current charge for the new device over the current charge for the replaced device. (Res. 13-02 Exh. A (part); Res. 12-03 Exh. A (part); Res. 11-03 Exh. A (part); Res. 95-7 Exh. D (part); Res. 90-84 Exh. A (part); Reg. 14(F)(1))

5.56.070 Installation Charge.

A. The customer shall pay a charge for installing the backflow prevention device as follows:

1. Double check valve assembly for 5/8", 3/4" and 1" meters, one hundred thirty-five dollars (\$135.00).

2. For all other devices, the charge shall be the District's cost for the installation plus overhead charges. (Res. 95-7 Exh. D (part); Res. 90-84 Exh. A (part); Reg. 14(F)(2))

5.56.080 Service Charge.

The charge set forth in Chapter 5.12 of this title for serving the backflow prevention devices shall be paid by each customer receiving service through each device. (Res. 90-84 Exh. A (part); Reg. 14(F)(3))

5.56.090 Liability.

The District shall not be liable for any injury to persons or damage to property, which may result directly or indirectly from the installation or testing of any device intended to protect the District's public water supply from contamination. (Res. 90-84 Exh. A (part); Reg. 14(G))

Chapter 5.60

RETAIL DISTRIBUTION OF WATER BY CUSTOMERS

Sections:

5.60.010 Policy.

5.60.010 Policy.

A. The policy and regulations of the District relating to retail distribution by customers of water supplied by the District is governed by the District's Ordinance No. 12, which reads in significant part as follows:

Section 1: *It is found and declared:*

(a) *That it is in the best interest of the residents and property owners of Contra Costa Water District that the retail distribution throughout the said District of water supplied by the said District be undertaken by financially responsible persons, corporations, or political bodies to the end that the expanding population of the said District may be adequately served with a supply of water.*

(b) *That stability of service conditions makes necessary the regulation of the distribution of such water throughout the said District.*

(c) *That the unrestricted distribution of such water for household, garden irrigation, commercial, and industrial uses by persons, corporations, or political bodies in such limited or overlapping service areas as they may select may result in failure to provide adequate water service facilities to meet the present and future requirements thereof within all areas of said District.*

(d) *That the following rules and regulations for the distribution within the said District of water furnished by the said District are reasonable, necessary and in the best interests of the residents and property owners of the said District.*

Section 2: *No person, group of persons, association, or corporation, public or private, shall furnish water by the said District for distribution either before or after treatment for household, garden irrigation, or other domestic use or for agricultural, commercial, or industrial use unless and until the Board of Directors of the said District has made the following findings:*

(a) *That the applicant for such distribution is financially responsible to undertake such distribution.*

(b) *That the area proposed to be served by the applicant is a reasonable service area.*

(c) *That the applicant has given the Board of Directors of said District reasonable assurance that the applicant is willing and able to supply, and will in fact supply, upon reasonable terms and conditions, all of the present and future needs for such water in such service areas.*

(d) *That it is in the best interests of the residents and property owners of the said District that the distribution of such water within such proposed service area shall be carried out by the applicant rather than by any other person, group of persons, association, or corporation.*

Section 3: *The Board will conduct hearings on each application for distributing water furnished by the said District and the Secretary shall give to each applicant a notice of the time and place of such hearing, which notice shall be in writing and mailed postpaid to such applicant at least five (5) days prior to the date set for such hearing.*

Section 4: *If the Board determines that the applicant meets the requirements set forth in Section 2 of this Ordinance, the Board of Directors may enter into a contract on behalf of said District with such applicant for the exclusive sale to the applicant of water supplied by the said District for distribution by the applicant within such service area as shall be determined by the Board of Directors and described in such contract. Such contract shall be for such period of time as the Board of Directors shall determine but shall not extend beyond the term of any contract for water service between said District and the United States of America.*

B. No water furnished for retail distribution shall be used outside of the customer's service area without the prior written consent of the District. Such consent will not be given for the use of water on lands within the exclusive service area of any other customer of the District. (Res. 91-56 § 5; Res. 90-84 Exh. A (part); Reg. 15)

Chapter 5.70

WHEELING OF WATER THROUGH DISTRICT FACILITIES

Sections:

- 5.70.010** **General.**
- 5.70.020** **Requests for Use of Unused
Conveyance Capacity.**
- 5.70.030** **General Manager's Report and
Recommendation and Board
Findings.**
- 5.70.040** **Contract Terms and
Conditions.**
- 5.70.050** **Wheeling to Assist in Times of
Emergency.**

5.70.010 **General.**

Under the provisions of Section 1810 et seq. Of California Water Code, a bona fide transferor of water may use water facilities of a local agency which have unused capacity, for the period of time when such capacity is available, if fair compensation is paid for that use and if statutorily specified conditions are met. This chapter is intended to set forth the terms and conditions under which the District will consider entering into contracts for individual wheeling transactions in response to requests from persons or public agencies seeking to use the unused capacity of all or a portion of the Contra Costa Water District's conveyance system (conveyance system), including but not limited to pumping plants, canals, pipelines, reservoirs and appurtenant facilities, for the transfer of water. (Res. 99-2 Exh. A (part))

5.70.020 **Requests for Use of Unused Conveyance Capacity.**

Any person or any public agency (meaning any city, county, district, other local authority, or public body of or within this state) which has a contract for the sale or purchase of water which is conditioned upon the acquisition of conveyance facility capacity to convey that water may request the right to use up to seventy percent of the unused capacity of the conveyance system. All requests for the right to use the conveyance system shall be considered by the District's Board of Directors. In order to be considered by the District, each such request shall be in writing and shall include:

A. A copy of the agreement or contract for the transfer of water for which unused conveyance system capacity is required. The request shall specify the source and the amount of water sought to be conveyed, with the volume expressed in acre-feet and the rate expressed in cubic feet per second on an annual,

monthly, and daily average and peak basis, and on an hourly peak basis. The time period or periods for which permission to use conveyance system capacity is sought shall also be expressed in detail. If the request is for use of less than the entire conveyance system and all of its related facilities, the request shall specify the portion or portions of the conveyance system it seeks to use. If District approval of the request would require the construction or installation of any facilities, these shall be described in detail, including the purpose, nature, and location of such facilities.

B. A detailed description of the quality of the water sought to be conveyed. If the requesting party believes that treatment of the transferred water will be required to avoid diminution of the quality of the water which would otherwise be in the conveyance system, the request shall include details of the nature and location of the proposed treatment techniques or methodologies which it proposes to employ to protect the water quality interests of the District. If the requesting party will treat the transferred water before it is put to beneficial use, the location and capacity of the treatment facilities, and the treatment technology to be used, shall be described in detail in the request.

C. An acknowledgment by the requesting party that unused conveyance system capacity will be available only at those times and in those amounts which the District, in its sole discretion, determines. The request shall include the further acknowledgment that because of the manner in which the District's conveyance system and the Los Vaqueros Reservoir have been integrated in District water supply operations, the availability of unused conveyance systems capacity at any time may be a function of the periodic operational considerations for both facilities, as well as for the District's Bollman Treatment Plant and the Randall Bold Treatment Plant.

D. An acknowledgment that the paramount purpose for which the conveyance system is to be used is for the District to convey water to its present and future wholesale and retail water customers. The request shall also specifically acknowledge that any permission which may be granted for the right to use the conveyance shall be expressly subject and subordinate to the right of the District to fully utilize the conveyance system capacity for the benefit of its customers if required for District water system purposes or in the event of an emergency, as defined in Water Code Sec. 1811 (b), and which includes a sudden occurrence such as a storm, flood, fire, or an unexpected equipment outage impairing the ability of the District or its customers to make or receive water deliveries. (Res. 99-2 Exh. A (part))

5.70.030 General Manager's Report and Recommendation and Board Findings.

The District's Board of Directors shall receive and consider a written report and recommendation from the General Manager regarding the request, including all engineering, economic, environmental and other relevant factors. Prior to authorizing District staff to negotiate with the requesting party regarding terms and conditions of a contract for the requested use of the District's conveyance system, and based upon its consideration of the request, of appropriate environmental documentation provided by the requesting party, and of the General Manager's report and recommendation, the board shall find and determine:

A. That the commingling of the water proposed to be transferred will not result in a diminution of the beneficial uses of the conveyance system and related facilities for District purposes;

B. That there will be no diminution of the quality of water in the District's conveyance system as a result of the transfer, and that if necessary and in order to prevent any such diminution, the transferor shall, as a condition of its contract with the District and at its sole expense, provide for treatment of the water to be transferred in order to guarantee that the quality of the transferred water will be substantially the same quality as that which would be in the conveyance system if no transfer occurred, so that there will be no diminution in the quality of raw or treated water served to customers by the District;

C. That the requesting party has provided adequate assurance to the District, including determinations by the appropriate regulatory agencies, that the proposed use of the District's conveyance system can be made without injuring any legal user of water, and without unreasonably affecting fish, wildlife, or other instream beneficial uses, and without unreasonably affecting the overall economy or the environment of the county from which the water is being transferred; and

D. That the proposed transfer will not adversely affect the water supply, water quality, water service, or economic interests of present and future District wholesale and retail customers, for whose benefit the District retains the paramount right to use of the District's entire conveyance system for water transmission and distribution purposes. (Res. 99-2 Exh. A (part))

5.70.040 Contract Terms and Conditions.

Any contract for use of the unused capacity of the District's conveyance system shall include the following terms and conditions:

A. A detailed description of the purpose and place of the use or uses to which the transferred water will be put, and identification of the source or sources of water for these uses if or when transferred water or conveyance system capacity are not available.

1. If the request is by a wholesale municipal customer of the District, the contract shall describe the area to be served, the present and future customers intended to be served with transferred water, and present and anticipated water demands. The contract shall also include the requesting party's plan for serving water to this area and these customers in the event that sufficient transferred water or unused conveyance system capacity are not available for any period of time, including but not limited to the use of capacity by the District to meet the increased water demands of its current and future customers. To the extent that the requesting party's plan includes reliance on the District for all or any portion of the water which will be required to meet all or any portion of the requesting party's present or future demands, the contract shall include the requesting party's specific acknowledgment of and agreement to pay the transfer capacity availability charge described in Section 5.70.040(B)(3), as well as all other reasonable costs related to the wheeling transaction.

2. If the request is by any person or public agency other than a wholesale municipal raw water customer, including a raw water customer of the District, or a person or entity which is not a District customer, the contract shall describe the area to be served, the purpose of the beneficial use or uses proposed to be made with the transferred water, the current and historic source or sources of water used to serve these uses, and the anticipated water demand during the period of the transfer. The contract shall also include the requesting party's plan for obtaining water to serve the area and the use or uses in question in the event that sufficient transferred water or unused District conveyance system capacity are not available for any period of time, including but not limited to the use of capacity by the District to meet the increased water demands of its current and future customers. To the extent that the requesting party's plan includes reliance on the District for all or any portion of the water required to meet all or any portion of the requesting party's demands, the contract shall include the requesting party's specific acknowledgment of and agreement to pay the transfer capacity availability charge described in Section 5.70.040(B)(3), as well as all other reasonable costs related to the wheeling transaction.

B. The charges to be paid by any party whose request to use available unused District conveyance

system capacity is approved by the District shall include the following:

1. The reasonable costs incurred by the District related to the wheeling transaction, including the actual cost of all staff time and the costs of consultants or counsel for analysis of, assistance with, or administration of the transaction, and all costs related to the environmental documentation and any permits or approvals required for or in connection with the wheeling transaction.

2. An allocated share of reasonable capital, operations, maintenance, and replacement costs of the District's conveyance system, including power costs, which are reasonably related to the wheeling transaction. Because unused conveyance system capacity is a direct function of the manner in which Los Vaqueros Reservoir and the conveyance system are operationally integrated, the reasonable costs shall include an appropriate allocated share of Los Vaqueros Project debt service, capital, operations, maintenance, and replacement costs.

3. If the requesting party will rely on the District for water in the event transferred water or unused conveyance system capacity is not available, the contract will provide for the payment of a transfer capacity availability charge, which shall represent the reasonable cost to the District to maintain the capacity to provide water to make up for the transferred water when it is not available for any other reason. This capacity charge shall consist of an allocated share of reasonable capital, maintenance and replacement costs of the facilities in which capacity has been constructed and must be maintained by the District to meet the demand which will be created when transferred water or unused District conveyance system capacity are not available to the requesting party, and which capacity therefore will not be available for use by the District to meet the needs of other District customers.

C. All environmental documentation, permits, and approvals for the proposed wheeling transaction shall be the responsibility of the party making the request for the right to use available unused District conveyance system capacity. If the wheeling transaction is part of a larger project for which another public agency is the lead agency under the

California Environmental Quality Act (CEQA), the District shall serve as a responsible agency for environmental documentation regarding the decision of the board of directors on the request and as to the availability of unused District conveyance system capacity. If the party making the request to the District is a public agency, then the requesting party shall be the lead agency regarding CEQA. If the requesting party is a private entity, and the wheeling transaction is not part of a larger project for which CEQA compliance is required, the District will be lead agency. Any permits or approvals required from other governmental agencies, including consideration by the United States Bureau of Reclamation, review or consultation under the Federal or the California Endangered Species Act, or processing by the State Water Resources Control Board shall be the responsibility of the requesting party. (Res. 99-2 Exh. A (part))

5.70.050 Wheeling to Assist in Times of Emergency.

In the event of an emergency, as defined in Water Code Section 1811 (b), which is declared by an appropriate governmental agency and which can be wholly or partially alleviated by making temporary use of the conveyance system to transfer water, the General Manager may make the findings and determinations set forth in Section 5.70.030 and may thereafter approve a request for temporary use of the conveyance system for up to forty-five days. Permission to use the conveyance system due to an emergency for more than forty-five days may only be granted by the Board of Directors. Prior to approval of temporary use, the General Manager shall review and consider all of the factors described in Section 5.70.040(A). An agreement shall be required, and shall provide for the District to receive fair compensation for the temporary use, including the elements set forth in Section 5.70.040(B). Regulatory approvals required for the temporary use shall be the responsibility of the party requesting the right to use the conveyance system. (Res. 99-2 Exh. A (part))
