



# Rules and Regulations

For

Clay Springs Domestic Water Improvement District

(CSDWID)

Revision E 1 (12/29/2023)

## CLAY SPRINGS DOMESTIC WATER IMPROVEMENT DISTRICT

The Clay Springs Domestic Water Improvement District was formed pursuant to Arizona Revised Statutes Section 48-901 et seq. It is a political subdivision of Navajo County, and is governed by an elected five-member board of directors.

### DISTRICT RULES AND REGULATIONS

#### ARTICLE I

#### GENERAL CONDITIONS GOVERNING WATER CONNECTIONS, GUARANTEE DEPOSITS AND USE

##### Section 1 Functions of the Clay Springs Domestic Water Improvement District Board of Directors

It shall be the duty of the Clay Springs Domestic Water Improvement District Board of Directors to control and manage all matters pertaining to the water system of the Clay Springs Domestic Water Improvement District in conformity with all applicable federal, state, county, local laws, and these regulations, and all resolutions of the Clay Springs Domestic Water Improvement District, Navajo County, Arizona. The Board shall have general supervision over the District's water system, all real, and personal property connected with the water system, and any contractors or employees of the District.

##### Section 2 Conditions for Connections Made to District Water System

All connections to the system will be made by District personnel only. The District, its agents or assigns shall make all connections in compliance with any specifications adopted by the District and the current edition of the Uniform Plumbing Code and subject to inspection at the time of connection. A water connection shall be deemed to have occurred when there has been a connection to a water line of the District or tributary line, regardless of the terminus of said connection. It shall be unlawful for any person to connect to the water line or lines of any portion of the District's water system. No connection will be made until the person has first made proper application to connect to the water system, has paid all required fees, and the application has been approved by the District.

##### Section 3 Consumer Applications for Service

A. The consumer will make application for service, in person or by first-class mail to the District at its office, and submit the consumer deposit in accordance with the Rate Schedule in Appendix A. Only the property owner may apply for services in his own name and shall be responsible for payment of all charges incurred in connection with the service furnished.

B. The District may reject any application for service when, and so long as, the applicant is delinquent in the payment of bills incurred for service previously supplied by the District at any location or under a previous name.

#### **Section 4 Guarantee Deposits**

A. A refundable guarantee deposit shall be made in accordance with the Rate Schedule in Appendix A.

B. When services are permanently discontinued and all bills are paid, the deposit will be refunded. Where the District finds that the request for a refund of guarantee deposit is questionable, the District may require the applicant to produce the deposit receipt properly endorsed before granting a refund.

C. Upon discontinuance of service for the non-payment of bills, the deposit may be applied by the District only toward the final settlement of the account; however, the District does not waive the right to exert any claim it may have for a delinquency against any person or customer.

#### **Section 5 New Service Installation**

The District requires a meter be installed at the property line, or at the District's option, on the consumer's property, or in a location mutually agreed upon. If the meter is to be located on the consumer's property, the District retains the right to cross such property in order to repair, replace or service and/or read the meter.

Only authorized District personnel may tap the water main and set the meter. At the time of a new meter installation, the District will also install a shutoff valve for the customer's use. This valve becomes the customer's property and not a part of the water delivery apparatus. The cost of installing the new meter and shut-off valve will be charged to the customer per the Rate Schedule in Appendix A.

Payment is due prior to installation.

#### **Section 6 Construction Specifications**

All mains and distribution lines to be constructed shall comply with and conform to the current Uniform Plumbing Code and all applicable rules and regulations of the Arizona Department of Environmental Quality in effect at the time of construction.

#### **Section 7 Access to Premises**

Duly authorized agents of the District shall have access, at all reasonable hours, to the premises of the consumer for the purpose of inspecting, installing, repairing or removing District property, or for any other purpose in connection with the District's service and facilities.

#### **Section 8 Ownership and Maintenance of Water Delivery Apparatus**

All water system and delivery apparatus, including meters and valves (not including the shut-off valve installed for the customer) are the property of the District, and shall be maintained and operated by authorized District personnel only. In the event of a true emergency this requirement may be waived. All persons presently on the District water are responsible for installing a shut off valve on the service connection to their property.

**Section 9 Water Delivery to Properties Not Adjacent to the Current Delivery System (Delivery Extensions)**

The following paragraphs are the policy for the extension of the water system to service new customers. There may be extenuating circumstances that would alter this described policy and therefore, the board reserves the right to alter this policy when it is in the best interest of the District and/or the customer. All extension requests should be presented to the board either in person or in writing.

Consumers within the District requesting service whose property is not adjacent to the existing delivery system will be required to pay a portion of the cost of extending the system to their property. The district will cover at no charge to the customer the first 75 feet of any extension. The cost for any remaining distance will be at the expense of the customer. A meter and customer shut-off valve will be installed per Article I, Section 5 of this document by the District.

The service extension must comply with the requirements in this document. All extensions to the service must be pre-approved by the District. All other requirements of this document will apply to the extension. The extensions will become the property of the District and will be maintained by the District.

**Section 10 Water Delivery to Property Adjacent to the Current Delivery System (Property not in District current Boundary)**

Refer to A.R.S 48-1014 (c)

C. "Notwithstanding subsection B of this section, any property owner whose land is within a county that contains an improvement district and whose land is adjacent to the boundaries of the improvement district may request in writing that the governing body of the district amend the district boundaries to include that property owner's land. If the governing body determines that the inclusion of that property will benefit the district and the property owner, the boundary change may be made by order of the governing body and is final on the recording of the governing body's order that includes a legal description of the property that is added to the district." A petition is not required for an amendment to an improvement district's boundaries made pursuant to this subsection.

**ARTICLE II**

**FEES, CHARGES, ACCOUNTING AND REPORTING**

**Section 1 Rate Schedule**

The District shall maintain a budget that ensures the availability of necessary funds to operate and affect repairs to the facility and establish cash reserves for capital improvements. All fees, deposits, charges and penalties will be as set

forth in the Rate Schedule in Appendix A.

## **Section 2 Billing and Collecting**

A. Customer's meter will be read on the 15<sup>th</sup> of the month if possible but no later than the 20<sup>th</sup> of each month. However, during inclement weather the reading of meters may be suspended, and an estimated bill issued.

B. Bills for water use will be computed in accordance with the Rate Schedule in Appendix A.

C. Bills will be rendered approximately the first of each month, the District may however, vary the dates or lengths of the billing period if necessary.

D. Bills are due ten (10) days thereafter and become delinquent if not paid by due date. A second billing will include a "Ten Day Disconnect Notice" and accrue a late payment fee as prescribed by the Rate Schedule. At this time all bills must be paid in full, including late payment fees, or service will be disconnected without any further notice to the customer, unless arrangements, prior to delinquency, have been made with the Administrator. If customer does not adhere to those arrangements, service will be terminated immediately, without further notice.

E. Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the consumer of his obligations to pay such bills.

F. If consumers believe their bill to be in error, they shall present their claim to the District Board or Billing Accountant, in writing, before the bill becomes delinquent.

G. Partial payments may be received by District however, that will not stop an account from becoming delinquent, and subject to disconnection.

H. Service that is disconnected for delinquency of bills will be restored, only after all due bills are paid in full, late fees, guarantee re-deposit, and service charges in accordance with the District Rate Schedule in Appendix A.

I. If service is to be re-established at the same location for a consumer, or for any member of such consumer's household, who ordered a service disconnection for a period longer than the preceding twelve months, a consumer establishment charge as prescribed by the Rate Schedule in Appendix A will be required as a precondition to the re-establishment of such service. Deposits on hand will be returned and consumers will be required to post a new deposit upon re-establishing service.

J. Clay Springs Domestic Water Improvement District has no billing forgiveness for Seasonal or Temporary shutoff. A consumer is responsible for the Minimum Usage Rate per Appendix A per month for periods of non-use of less than 1 year. In addition, the Consumer Establishment Charge per Appendix A is applicable if the service is disconnected for a period of less than 1 year.

## **Section 3 Connection Fees**

The connection fees to be paid by a Consumer for the establishment of a new service shall be in accordance with the Rate Schedule in Appendix A. These charges may be charged by the District in the same manner as water rates pursuant to Arizona Revised Statutes. Charge for service commences when the

service is established, whether water is used or not.

**Section 4 Change of Ownership**

Not less than three-day notice must be given, in writing, to the District to discontinue service or to change ownership:

1) A. The outgoing owner shall be responsible for all water consumed up to the time of actual departure or the time specified for departure whichever is the longest.

**Section 5 Capacity Charge**

A. For purposes of calculating the Capacity Charge an equivalent dwelling unit (EDU) shall be defined as:

Single family residence; one EDU for each unit as defined by Uniform Plumbing Code.

B. Any property owner who wishes to connect improvements shall submit plans and specifications to the District and pay a Capacity Charge for each equivalent dwelling unit or portion thereof, in accordance with the Rate Schedule in Appendix A.

C. Capacity Charges are payable prior to receiving a building permit, applying for a change in zoning or any other step necessary for the development of the property, and to defray any and all costs of increasing the capacity of the District's water lines, wells and other appurtenant facilities. No Capacity Charges shall be refunded to a property owner due to a change in the use of the property resulting in a decrease in the number of Equivalent Dwelling Units.

D. In determining the amount of water to be utilized by any hookups, the District shall only consider the number of Equivalent Dwelling Units (EDU's) within the improvement. The determination of the amount of water which may be utilized by any hookup shall be made by the District whose determination shall be deemed conclusive. In making its determination, the District shall examine the plans and specifications submitted by any property owner and calculate them from the EDU's. The number of EDU's for a proposed development shall be calculated using the values shown in Paragraph A of this section. If any property owner alters the plans for development thereby increasing or decreasing the number of EDU's, approval for said alteration must be obtained from the District before the alteration may be made.

E. The District shall cooperate with Navajo County in reviewing and monitoring building permits for alterations to existing structures to determine any changes in the number of EDU's connected to the District water lines from a parcel of property.

F. Any person who proposes to develop property for any purpose in a density greater than one dwelling unit per existing subdivided lot shall submit preliminary plans of the proposed improvement for review by the District. Said plans shall include the location of the property and a schedule of the amount and kind of dwelling units, if any, and the number of water lines and their respective sizes to be constructed in the proposed development. If the District determines that the development will utilize water in excess of the design capacity of the water lines

adjacent to the proposed development or that it will require a disproportionate percentage of the remaining capacity of the water line at the point where the development will connect to these lines, the developer shall pay the District the cost of additional water line capacity or, with the District's approval, shall construct a new water line that shall connect to the District's system at a point where the system has the design capacity to handle the additional demand attributable to the proposed development and shall pay the applicable charge therefore. Payment therefore must be made at the time of issuing the connection permit. To determine whether the developer must pay for additional line capacity, the District may consider the following factors:

- 1) The amount of water utilized by the proposed development.
- 2) The capacity of the District water lines at the point of connection.
- 3) The existence of other property which may potentially connect into the water lines and the potential water demand if that property were developed.
- 4) The most reasonable and economic method for the District to manage water flows with respect to the actual connections and potential connections of the other property in the vicinity of the proposed development.

G. Any person desiring to increase the number of equivalent dwelling units or change the use of the property which contains improvements existing on the date of the adoption of these Rules and Regulations or thereafter, shall submit to the District at the time of applying for a connection or if the property is already connected at the time of changing the use the following information:

- 1) The size and location of the parcel of property owned.
- 2) The number of current equivalent dwelling units.
- 3) The proposed changes.
- 4) Preliminary and final plans for the development of the property.

The District shall calculate the increase in the number of equivalent dwelling units directly attributable to the change in use and the applicant shall pay any necessary Capacity Charge including a charge for additional water line size if applicable, as set forth in this Article as a condition of receiving a connection permit or continuing to be connected to the water lines.

## **ARTICLE III**

### **RESPONSIBILITIES AND LIABILITIES**

#### **Section 1 The District's Responsibilities and Liabilities**

- A. The District does not assume the responsibility of inspecting the consumer's piping or apparatus and will not be responsible -for customer installed piping.
- B. The District reserves the right to refuse service unless the consumer's lines or piping are installed in such manner as to prevent cross connections or backflow.
- C. Under normal conditions, the consumer will be notified of any anticipated interruption of service.
- D. The District shall not be responsible for negligence of third persons or forces beyond the control of the District resulting in any interruption of service.
- E. Pursuant to the request of a consumer, a District representative will make a

service call to the consumer's residence. There will be no charge to the consumer for such a service call if the problem necessitating the service call is found to be the District's responsibility pursuant to these Rules and Regulations. There will be a charge ~~however~~ if the reason for the complaint is the Consumer's responsibility. The charges will be in accordance with the Rate Schedule in Appendix A and added to the next bill.

F. All upgrades and expansion of the water system mains and Distribution lines shall comply and conform to the specifications of the District and all applicable rules and regulations of the Arizona Department of Environmental Quality (ADEQ) in effect at the time of completion. All materials and workmanship will be of the Quality used in Industry standard listed in the Uniform Plumbing code. When a major change (with a dollar amount of or exceeding current ADEQ funding level) to existing system is being considered the District Board may request open bidding for the completion of proposed project. All bids must provide a Plan and cost of the upgrade/expansion, with estimated completion time.

G. The District's financial health will be reviewed at a minimum on a quarterly basis and will consist of the following.

Review of Current District Budget and proposed budget expenditure, District bank statements and any other pertinent data.

## **Section 2 The Consumer's Responsibilities and Liabilities**

A. Piping on the consumer's premises must be so arranged that the connections are conveniently located with respect to the District's lines or main.

B. If the consumer's piping on the consumer's premises is so arranged that the District is called upon to provide an additional service, each additional service to the consumer's property will be considered as a separate and individual account.

C. The consumer's piping and apparatus shall be installed and maintained by the consumer, at the consumer's expense, in a safe and efficient manner and in accordance with the District's Rules and Regulations and in full compliance with the regulations of the Arizona Department of Environmental Quality and the Uniform Plumbing Code.

D. The consumer shall safeguard the District's property placed on the consumer's premises and shall permit access to it only by the authorized representatives of the District. Except in the event of an emergency, no consumer shall, or direct another person to, initiate or discontinue water service from the District's valve designated to provide service to any consumer.

E. In the event that any loss or damage to the property of the District or accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the District and liability otherwise resulting shall be assumed by the consumer.

F. Water furnished by the District shall be used by the consumer, members of his



household, guests, tenants, and employee's only. The consumer shall not sell water to any other person. During a critical water condition, as determined by the District or a public agency, consumers shall use water only for those purposes specified by the District. Disregard for this rule shall be enough cause for refusal or discontinuance of service.

G. Property owners are responsible for providing written notice to the District's billing agency to request a disconnection of service.

H. The District may discontinue its service without notice for the following additional reasons:

- 1) To prevent or eliminate fraud or abuse.
- 2) The consumer's willful disregard of or refusal to comply with these Rules and Regulations or such special rules as may be adopted by the District.
- 3) Emergency repairs.
- 4) Insufficient water supply.
- 5) Legal processes.
- 6) By direction of public authorities.
- 7) Strike, riot, fire, flood, accident or any unavoidable cause.
- 8) Unauthorized connections.
- 9) The District may suspend the service or refuse service to any consumer who tampers with the property of the District.

## **ARTICLE IV**

### **EASEMENTS**

All property owners requesting to connect improvements on their property to the District's water system or any developer of more than one lot seeking a connection improvement to the water system shall grant to the District all easements required by the District to provide water service to, across, or on the property for which the connection is being sought. Any party not granting such required easements will not be granted a connection by the District.

Existing customers must grant easements to the District from the customer's property line to the water meter, unless the customer presents good cause in writing against it. Previously installed meters may be moved by the District, at its discretion, in order to locate or relocate all meters on the property line.

## **ARTICLE V**

### **GENERAL**

#### **Section 1 Variation**

Variation from the terms and conditions of these rules and regulations shall be permitted only upon the verified application of an affected party to the District Board of Directors, setting forth the circumstances whereby the public interest requires such variation, and upon the issuance of a special order by the District. The District may require an application for such variation to be presented in a

public hearing.

### **Section 2 Legality**

If any section, paragraph, subdivision, sentence, clause or phrase, of these Rules and Regulations shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portions of these Rules and Regulations.

### **Section 3 Enforcement**

The District hereby authorizes its attorneys, agents, and employees to take all reasonable steps necessary to enforce these Rules and Regulations.

## **ARTICLE VI**

### **NEW DEVELOPMENTS**

#### **Section 1 Submission of Plans**

All property owners or developers desiring to connect newly constructed improvements to the District water facilities must submit plans for review by the District. The cost of reviewing plans shall be paid out of the deposit paid by the property owner or developer. All plans should be submitted to the Arizona Department of Environmental Quality prior to submitting plans to the District. The District shall not review any plans that were not first approved by the Arizona Department of Environmental Quality unless there is sufficient evidence supplied by the property owner or developer demonstrating that District approval of the plans is necessary to obtain an Unconditional Agreement to Provide Water Service from the District. In such event, the District shall review the plans and will approve the plans subject to no changes to the plans following their review by the Arizona Department of Environmental Quality. If such changes do occur in the plans following Arizona Department of Environmental Quality review, the District reserves the right to review the plans.

#### **Section 2 Development Deposits**

All property owners or developers desiring to connect newly constructed improvements to the District water facilities shall deposit with the District at the time of submitting plans for District's review, cash or check drawn on an Arizona bank, in an amount sufficient to pay for the following:

1. Review of the plans by the District.
2. Inspection of the newly constructed improvements.

The amounts necessary to cover these costs will be determined by the District at the time plans are submitted for the District review and are due and payable at that time.

Following the actual review of the plans, and the inspection, of the water lines constructed the actual cost of such review and inspection will be deducted from the Development Deposit and the surplus, if any, shall be refunded to the person posting the deposit within ten (10) days from the determination of the surplus. In

the event the actual cost of review of the plans and inspection of the water lines constructed exceeds the amount of the Development Deposit, the person posting the deposit shall pay the District in cash or check drawn on an Arizona bank, the amount due in excess of the deposit. Such amount is payable to the District on demand by the District.

### **Section 3 Inspection**

All water lines and other appurtenant facilities shall be inspected by a District representative prior to permitting completion of any connection to the District water facilities. Such inspection shall occur prior to pressure testing any line with District water.

All monies owed to the District, including but not limited to legal fees and developmental deposits, shall be paid to the District in full, prior to connection to the District water facilities and prior to the completion of the inspection of the water lines.

## **ARTICLE VII**

### **COMMERCIAL SALES**

#### **Section 1 Water Sales for Commercial Purposes**

The CSDWID Board of directors has approved the sale of water for commercial purposes (i.e. road construction, etc.) if the provisions of Section 2 are met.

#### **Section 2 Provisions**

- A. All requests for commercial sales require a case-by-case review by 2 board members and the system operator. The storage tank at well #3 holds approximately 80,000 gallons of water. The capacity of water being sold shall not draw the tank below 40,000 gallons at any given time without approval by the board.
- B. The volume of sales is restricted to a level such that it does not create a shortage for local sales.
- C. The volume of sales shall not in any way overstress the well/pump capacities of the District.
- D. The minimum sale price will be equal to or greater than the commercial sale price per 1000 gallons specified in the rate schedule of Appendix A.
- E. The purchaser shall provide a meter for the Fire Hydrant.
- F. The purchaser shall provide an Air Gap mechanism to prevent backflow.

These Rules and Regulations amended and approved and adopted by Resolution, dated 05/08/2021

# **District Rules and Regulations**

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## Appendix A

### Rate Schedule

**Billing Rate: (Standard)\***

Minimum usage: 2500 gallons	\$35.00
Extended usage: 2501	\$3.75 per 1000 G

**Billing Rate: (Non-standard Sales) \*\***

Flat Rate per 1000 Gallons (no minimum):	\$12.00 Per 1000G
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Additional Fees & Charges: (as required)

Late fee	\$ 5.00
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**Service Rate: (Contracted as of July 2018) \*\*\***

Monday thru Friday normal business hours(8AM-5PM): \$75.00/hr Minimum of 1 hour.

During non-business hours and weekends \$112.50/hr

**Capacity Charge per EDU:**

\$ 30.00

**Consumer Establishment Charge:**

\$ 30.00

(No new meter needs to be installed)

**Consumer Deposits: (refundable upon service termination) \$ 85.00**

**Meter and Shut-Off valve Installation Fee**

(Includes consumer establishment charge)

Residential ( 5/8" Meter and Shut-off valve) \$1350.00

High Volume (1" Meter and Shut-off Valve) Requires quote

**Meter reading schedule:**

Meters are read on or about the 15<sup>th</sup> and no later than the 20<sup>th</sup> day of each month and submitted to the billing department which in turn will calculate the consumer charges and send out statements to the consumer.

\* Standard Sales are for Water drawn through in-ground meter.

\*\* Non-standard Sales are for water drawn through means, other than in ground meter.

\*\*\* Rate charged for service found not the responsibility of the water district shall be billed at the existing hourly service rate charged by our contractor

Appendix C

District Records Retention:

The District's Financial Administrator Records are soft copy backed up monthly, to both a drop box (Cloud) server and onsite backup.

Records are retained as noted below.

Customer Billing Records: (hard copy) are retained 3 yrs.

Operator/Vendor Invoices: retained indefinitely

Bank Statements:

Monthly: Available On- line for seven years.

Financial statement: Indefinitely

Agenda/Board Minutes: Indefinitely

## Revision History

Date	Rev	Description
11/13/2010	A	Initial release following public review 11/06/2010
11/ 24/2011	B	Amend Article I section 5, Add Article I, Section 9, add Article VII, update Appendix A, Rate Schedule, Add Appendix B
10/4/2015	C	Changed Article 1, Section 5 Title; Modified second sentence of Article III, Section 2, Paragraph F; Added new paragraph A to Article VII, Section 2, re-lettered following paragraphs; Changed Commercial Sales Rate from \$6.00/1k gallons to \$11.00/1k gallons; Deleted CSDWID budget allocation numbers; Modified numbers 5 and 6 of the instruction on the Commercial sales usage permit.
4/21/2018	C1	Added Procurement Policy Item F of article III Added Financial Review Policy Item G of article III Added Appendix C District Records Retention
11/1/2018	D	Deleted water Permit form, all reference to permit. Up dated Schedule A hourly rates Clarified definitions.
05/08/2021	E	Article I: <b>Added</b> Section 10 <u>Water Delivery to Property Adjacent to the Current Delivery System (Property not in District current Boundary)</u>

Refer to A.R.S 48-1014 (c)

C. "Notwithstanding subsection B of this section, any property owner whose land is within a county that contains an improvement district and whose land is adjacent to the boundaries of the improvement district may request in writing that the governing body of the district amend the district boundaries to include that property owner's land. If the governing body determines that the inclusion of that property will benefit the district and the property owner, the boundary change may be made by order of the governing body and is final on the recording of the governing body's order that includes a legal description of the property that is added to the district." A petition is not required for an amendment to an improvement district's boundaries made pursuant to this subsection



## Revision History Continued

Date	Rev	Description
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05/08/2021	E	
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Article II Section 2 A. **Deleted:** during the last eight (8) days of each month.

**Added:** However, during inclement weather the reading of meters may be suspended, and an estimated bill issued.

Article II Section 2 B.

**Deleted:** However, during inclement weather the reading of meters may be suspended, and an estimated bill issued.

Article III Section 1. **Deleted:** (\$45.00)

Article V Section 2 **Deleted:** The Board of Directors of the Clay Springs Domestic Water Improvement District hereby declares that each and every section, paragraph, subdivision, sentence, clause or phrase of these Rules and Regulations may be held illegal, invalid, or unenforceable.

Appendix A **Corrected** size of Residential meter from 3/4 to 5/8 Meter

**Changed** Residential meter cost from \$735 to \$1350.

**Changed** High Volume meter price from \$955 to Will Quote.

**Clarified** Meter reading Schedule

11/16/2023	E1	
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**Appendix A**

**Rate Schedule**

**Changed** Basic Rate Minimum usage Rate from \$30 to \$35

**Changed** Extended usage above 2501 Charge per 1000 gal to \$3.75

**Deleted** Extended usage above 10001 gal and above Charge Flat Rate per 1000 Gallons (no minimum): From \$11.00 per 1000 G \$12.00 Per 1000G