

# Pinon Hills Water Users Association, Inc.

PO Box 1165, Walsenburg, Colorado 81089

## Rules and Regulations

*Changes modified at Board Meeting, August 6, 2022*

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Rules and Regulations of the Pinon Hills Water Users Association, Inc. (aka P.H.W.U.A) a 501 C12 not-for-profit Colorado corporation presented and approved at this annual membership meeting on Sunday, May 23, 2021. Furthermore, the P.H.W.U.A. members reserve the right to make changes in these Rules and Regulations at any regular meeting of the Board of Directors.

Any dispute as to the interpretation of these Rules and Regulations, or as to their application in any specific case, shall be submitted to the Board of Directors and their finding shall be final.

ANNUAL MEMBERSHIP MEETING IS HELD IN MAY  
REGULAR BOARD MEETINGS ARE SCHEDULED QUARTERLY.  
MEMBERS WILL BE NOTIFIED BY MAIL OR EMAIL. PUBLIC WELCOME.

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### SECTION I

#### GENERAL CONDITIONS

Any reference to PINON HILLS WATER USERS ASSOCIATION, INC or PHWUA will be construed to mean PINON HILLS WATER USERS ASSOCIATION, INC., AKA P.H.W.U.A, Inc.

PINON HILLS WATER USERS ASSOCIATION, INC, is a not-for-profit 501 C12 entity incorporated under the laws of Colorado whose legal address is P.O. Box 1165, Walsenburg, Colorado 81089. The Association is a non profit mutual benefit corporation. The purpose of the Association is to deliver water for domestic use to its members at actual cost plus necessary expenses for maintenance, repairs and improvements to the water delivery system.

Following Water Court Division 2, Case No. 97CW108(A) the augmentation plan water rights from the North Veta Canon Ditch for household use, horse watering, and limited outside lawn and garden use in the Pinon Hills subdivision made up of 56 lots plat recorded in Huerfano County, Colorado on August 12, 1970, map drawer 1, map No. 87. Terms and conditions of several pertinent court decrees limits water usage.

Membership in Pinon Hills Water Users Association, Inc shall consist of any bonafide owner of property within the Pinon Hills subdivision in the service area as defined by finding of fact contained in the District Court Water Division 2, Colorado case #97CW108(A).

Each member shall be entitle to purchase from the Association such potable water for in house use, gardening and hobby farming.

No water delivered through the Association may be sold or given away or used for commercial cultivation for growing of agricultural products.

Every member agrees to sign for purchase and use of water .

Terms and conditions of several pertinent court decrees and legal agreements limit water usage to domestic use allocation limits of 6,820 gallons per month during the months of November, December, January, February, and March and 9,610 gallons per month during the months of April, May, June, July, August, September, and October.

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### SECTION II

### WATER TAP CHARGES AND FEES

Upon being issued permission to tap any water main, the property owner shall assume the responsibility for all damages, costs, expenses, outlays and claims of every nature and kind arising out of the unskillfulness or negligence, on the part of himself or on the part of his agents in connection with the installation or excavation in preparation for making water main tap.

Once a water-tap has been established to any lot, **monthly system maintenance charges** shall be levied. When water is turned off for whatever reason, the monthly maintenance portion shall continue to be assessed.

All taps shall be 3/4". Once the Tap has been applied for and the fee paid the actual tapping into the system must be accomplished within one year unless approved by the board of directors. Water will not be available until the water meter has been installed. If the tap is not installed within the 12-month period following purchase, and if the tap fee cost has been adjusted in the interim, the lot owner must pay the prevailing tap fee at the time of installation. The amount previously paid shall be credited toward any new total. The tap purchase is not transferable to any other lot. Should the lot be sold before installation of the purchased tap, the prepaid fee is not refundable to the owner/seller.

No more than one lot shall be served from any one water main tap. Each lot shall require one water main tap when water is needed or desired.

All tapping materials, meters, meter pit, including pressure regulator, shut off valve and some associate hardware shall be approved by P.H.W.U.A. It shall be the responsibility of the property owner to arrange for and accomplish installation.

All contractors must furnish the Water District with a copy of their liability insurance before any work is preformed.

After Tap installation, maintenance of the water service line from exit point of meter yoke to the point of service will be the responsibility of the lot owner.

PHWUA, Inc. does not assume the responsibility for installation of water pressure regulators. Placement will be on owner's side of the meter at the meter yoke. The water pressure regulator is required.

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A back-flow prevention device will be installed as an integral part of the meter yoke. All water service line ditches from the water mains to the property lines shall be backfilled and compacted and the road gravel restored in the best manner possible. All backfill material around water mains and service lines and for one foot above said lines shall consist of natural soil, sand and gravel with no aggregate to exceed one-half inch in diameter.

No backfilling shall be commenced until an inspection is made by the P.H.W.U.A. or certified or licensed technician gives approval.

Lot owners will be responsible for any dig, access or permit fees as required by the County with regard to tap installation. The lot owner is also responsible for the repair (patching) and maintenance, to County specifications, for a period of three years when it is necessary to access the water main in the road when installing a tap.

### **SECTION III FEES AND SERVICE CHARGES**

#### **CHARGES AND FEES**

\$ 74.81	Water use fee (monthly)
\$ 40.19	Maintenance fee (monthly)
\$ 20.00	Late Charges if received in PO Box after the 25th Of Month After the 3rd month of non-payment water will be shut off until bill is paid
\$ 25.00	Bad Check Charge plus bank charges
\$ 200.00	Tampering With Meter
\$ 50.00	Cost of Lien Being Placed and Released plus any court fees or charges
\$ 25.00	Turn-on or turn-off water at meter non-working hours
\$ 7,000.00	Tap Fees
\$ 50.00	For OVERUSE on second occurrence after first notice and warning.
\$ 100.00	For OVERUSE on third occurrence and shut on fourth occurrence.

**Water Usage** is charged by gallons-used monthly water rate schedule:

Winter months 6,820 gallons/month:

November, December, January, February, and March

Summer months 9,610 gallons/month:

April, May, June, July, August, September, and October

#### **SUR-CHARGE FOR VIOLATION OF RULES AND REGULATIONS**

1. Verbal notice

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2. Two written notices
3. Water shut off by Resolution of Board Members
4. Up to \$500.00 surcharge for reactivation of service  
with agreement of Board Members

The Association highly recommends when leaving for an extended period, especially during cold months (winter, fall, spring) your water should be shut off.

### **SECTION IV RIGHT TO LIEN**

The Association may promptly file a property lien for any unpaid account with a balance of \$300.00 or more. The Lien will remain until the account is paid to current status.

Cost of Lien being placed or released \$50.00 each plus any court fees or charges..

### **SECTION V INSTALLATION AND MAINTENANCE**

All taps shall be 3/4" HDPE or better. All water service line ditches from the water main to the service lines shall be backfilled and compacted and the road gravel restored in the best possible manner. No backfilling shall be commenced until an inspection is made and PHWUA licensed water technician gives approval.

Lot owners will be responsible for any dig, access, or permit fees as required by Huerfano County with require to tap installation and repairs, patching, or maintenance to County specifications.

Once the Tap has been applied for and fee paid the tapping into the system must be accomplished within one year. No more than one lot shall be served from any one tap.

Any plumber, licensed and bonded in the State of Colorado, for the purpose of plumbing repairs or installations at a P.H.W.U.A. residence, will be allowed to turn water off or on at the meter for that residence.

Our CDPHD (Colorado Health Department) certified operator must be notified and present when any connections are made to the system transmission and distribution lines. All lines must be clean and flushed out before connection can be made.

Any person at any service location found to be in violation of these Rules and Regulations shall be served with written notice stating the nature of the violation and establishing a

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time frame for satisfactory corrections thereof. Failure to do so can result in disconnect from services of facilities of the Association until such time as person shall be in compliance with the Rules and Regulations, as determined by the Board. During the period of such suspension of service, said person shall continue to pay, or be liable for his/her system maintenance charge as was previously required.

Tampering will consist of any interference with components listed in Section III Item 4 (Water Meter & Tap Installation) and including entry to meter pit and contents. A fee of \$200 will be assessed and a lien will be filed against property if not paid promptly.

### **SECTION VI**

Any member of the Board of Directors and the Association's operator shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of the Rules and Regulations of the Association.

### **SECTION VII ASSOCIATION PROPERTY**

It shall be unlawful for any person or persons to vandalize or tamper any premises owned by the Association or in any manner interfere with the Water System or any part thereof.

### **SECTION VIII COMPLAINTS & REPORTS**

All complaints or reports of malfunctions pertaining to the central water system by any service customer should be reported to the Association or Board member.

This document replaces any and all previous Rules and Regulations and amendments for the Pinon Hills Water Users Association, Inc, as of this date.

Dated 5/23/2021

August 6, 2022

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President, James Borawski

**Pinon Hills Water Users Association, Inc.**

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August 6, 2022

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Vice-President, Rob Saint Peter

August 6, 2022

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Treasurer, Bob Pomeroy

August 6, 2022

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Secretary, Kristan Lowe

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Board Member, John Copeland