SECTION 17

SERVICE TO DEVELOPMENTS OR OTHER PROPERTY HAVING NON-POTABLE WATER SYSTEMS

1700 APPLICABILITY/PURPOSE This Section applies to new Developments and other properties planning both non-potable and potable water distribution systems. This Section also applies to Developments and other property currently receiving potable water from the District that will be retrofitted with a Non-Potable Water System. This Section establishes the requirements for such Non-Potable Water Systems, including minimum requirements for the District to grant System Approval. System Approval generally results in reduced impact to the District's Potable Water System.

1701 DEFINITIONS For purposes of this Section, the following definitions shall apply:

1701.1 Applicant: The individual or entity that plans to install a Non-Potable Water System on a property.

1701.2 Development: A tract of land or property, on which improvements are proposed and/or that is to be divided into two or more lots. Such actions are typically made to facilitate an addition or change which affects water service on the property. A Development includes, but is not limited to, planned unit developments, condominium developments, commercial or industrial properties, and other areas served or to be served with potable water by the District.

1701.3 Irrigation: Application of water to land to support the growth of vegetation.

1701.4 Managing Entity: The legal entity(ies) or individual(s) (approved by the District) responsible for owning, operating, and maintaining a Non-Potable Water System.

1701.5 Non-Potable Supply Analysis: An analysis prepared at the applicant's expense to allow the District to assess the ability of the Non-Potable Water System to meet the irrigation water demands of a Development for the entire irrigation season.

1701.6 Non-Potable Water System: A separate water system using untreated water to irrigate property, which reduces or eliminates the need for potable water for irrigation purposes. Non-potable water is not safe for human consumption.

1701.7 Potable Water System: The District's treated water distribution system including all facilities under the complete control of the District up to the point where the tapholder's water system begins. Potable water is safe for human consumption.

1701.8 Supplemental Water: Potable water used to ensure the yield of the Non-Potable Water System meets the total irrigation demands of the Development as identified in the District approved Non-Potable Supply Analysis.

1701.9 System Approval: The District's official confirmation that a proposed Non-Potable Water System can meet the full irrigation requirements of the Development it is intended to serve. System Approval is a prerequisite for an Applicant to receive water credit against its overall raw water dedication obligation to the District for both domestic service and non-potable service.

1702 REQUIREMENTS FOR NON-POTABLE WATER SYSTEM APPROVAL At a minimum, the following requirements shall be satisfied prior to, but do not guarantee, the District's approval of any Non-Potable Water System:

1702.1 The District's review and approval of a Non-Potable Supply Analysis demonstrating that the Non-Potable Water System can adequately supply the irrigation needs for the Development for the entire irrigation season.

1702.2 Applicants' dedication of adequate raw water to the District to supply the Non-Potable Water System in accordance with the Non-Potable Supply Analysis, including Supplemental Water, if required.

1702.3 Applicant's submittal of construction plans and specifications prepared by a licensed professional engineer demonstrating that the Non-Potable Water System can supply the outdoor irrigation needs of the Development, and that sufficient easements and access are provided for the operation and maintenance of the Non-Potable Water System.

1702.4 The District's receipt of payment for all costs and fees assessed to Applicant related to the Non-Potable Water System.

1702.5 The Managing Entity's submittal of certification by a licensed professional engineer that the Non-Potable Water System was built according to the approved plans and specifications and tested to meet the design pressure conditions.

1702.6 Applicant's creation or identification of a District approved entity to own, operate, and maintain the Non-Potable Water System.

1702.7 Final execution of an operating agreement between the District and the Managing Entity, which delineates operation and maintenance procedures, terms of service, and other requirements necessary to ensure the adequacy of the Non-Potable Water System.

1703 NON-POTABLE SUPPLY ANALYSIS

1703.1 Non-Potable Supply Analysis. The Applicant shall submit to the District a Non-Potable Supply Analysis prepared by a qualified professional water resources engineer that quantifies the irrigation requirements of the Development and the yield of the Non-Potable Water System water sources. The irrigation requirements shall be calculated based on the maximum irrigated area for every residential and non-residential lot and shall also accommodate the proposed

landscaping of any outlots, platted tracts, irrigated areas within rights-of-way, or other similar areas within the Development. The Non-Potable Supply Analysis shall address any deficiency in quantity or timing to adequately serve the Development in its entirety, which may require the Applicant to dedicate raw water for potable water supplies to the District for use as Supplemental Water.

Schedule E describes the data collection, analyses, and review required to complete the Non-Potable Supply Analysis. The Applicant shall supply additional information not identified in Schedule E if requested by the District.

1703.2 Cost of Non-Potable Supply Analysis Review. The Applicant shall cover the District's external expenses to have an independent water resources engineering consultant review and evaluate the Non-Potable Supply Analysis. The District shall collect a review retainer in the amount defined in Schedule C. The District will invoice the Applicant monthly, utilizing this retainer for payment. If the retainer proves insufficient to cover the total external cost of the Non-Potable Supply Analysis review, the District will pause the review until the Applicant provides sufficient funds to cover remaining costs. The District will refund to the Applicant all funds exceeding the cost of the review within 30 days of the review being completed with either a finding of sufficiency or deficiency for the Non-Potable Water System, or Applicant's termination of the review. If Applicant terminates the review, the District will notify the consultant to stop work and issue a final bill to the District for services rendered prior to termination.

1704 RAW WATER DEDICATION REQUIREMENTS FOR A DEVELOPMENT SERVED BY A NON-POTABLE WATER SYSTEM

1704.1 Raw Water Requirement. The Applicant shall dedicate sufficient raw water to meet the potable demand for the Development as required by Section 3 of these Regulations. The Applicant shall also dedicate sufficient water to meet the irrigation demand shown by the Development's Non-Potable Supply Analysis through non-potable water supplies and Supplemental Water, if necessary. The Applicant shall pay all fees associated with any water tap required to serve the Supplemental Water to the Non-Potable Water System. The Applicant shall dedicate all water prior to System Approval. The Managing Entity shall be responsible for monthly water charges associated with any potable tap delivering Supplemental Water to the Non-Potable Water System.

1704.2 Ownership of water used in the Non-Potable Water System. The Applicant shall transfer title of the dedicated water to the District upon completion of the Operating Agreement. The District will hold the raw water rights and enter into a perpetual lease with the Managing Entity for use in the Non-Potable Water System for the Development.

1705 APPLICATION REQUIREMENTS

1705.1 Pre-Application Meeting. Prior to submitting an application, the Applicant shall meet with District personnel to discuss the planned Non-Potable Water System, as well as the District's requirements and the application process for such systems.

1705.2 Construction Documents. The Applicant shall have a licensed professional engineer develop plans, specifications, and other relevant documentation for the construction, operation, maintenance, replacement, and repair of the Non-Potable Water System.

1705.3 Metering and Accessibility. Irrigation service to each parcel shall be individually metered with a meter installed near the property line. The Non-Potable Water System shall be generally located in easily accessed areas within easements where appropriate.

1706 SYSTEM REQUIREMENTS

1706.1 Backflow Prevention. All Non-Potable Water Systems shall meet the District's Backflow Protection and Cross-Connection Control program. The District may impose additional requirements on a case-by-case basis if the District determines, in its sole discretion, that such additional measures are necessary to protect the District's Potable Water System.

1706.2 All pumping and related equipment shall be high efficiency and meet or exceed minimum standards set forth by the American National Standards Institute (ANSI) and the Hydraulic Institute (HI). All other Non-Potable Water System components including, but not limited to, storage, treatment, metering, disinfection, and utility management shall meet or exceed minimum standards set forth by ANSI and the American Water Works Association (AWWA).

1707 PROHIBITION ON CONNECTION TO POTABLE WATER SYSTEM

1707.1 Connections between a Non-Potable Water System and the Potable Water System are strictly prohibited. Any connection or attempted connection between such systems shall be subject to fines as an Illegal Connection under Schedule C and may result in termination of service to the associated potable tap. Authorized supplemental water service shall meet approved backflow protection and cross-connection control.

1708 OPERATING AGREEMENT WITH MANAGING ENTITY

1708.1 The District and the Managing Entity of the Non-Potable Water System must execute an agreement defining operation and maintenance procedures, terms of service, and other requirements necessary to ensure the adequacy of the Non-Potable Water System prior to System Approval. The District, in its sole reasonable discretion, will determine whether the agreement sufficiently protects

the interests the District and its tapholders. Such an agreement shall contain, at minimum:

A. A provision requiring that in the event the Non-Potable Water System does not have any non-potable water supply to operate, has a reduced non-potable water supply during the season, or the projected annual use is exceeded, the Operating Agreement shall define how the Managing Entity shall reduce demand so that it can be an be wholly met with the Non-Potable water supplies.
B. A requirement that the Managing Entity have authority to review and approve or reject landscape and irrigation plans, implement and enforce water demand reduction measures, enter into seasonal water leases, and prevent homeowners from using water from their individual potable taps for outdoor irrigation.
C. A provision requiring the Managing Entity to dedicate additional water as necessary to meet any landscaping requests or changes outside those submitted and approved with the Non-Potable Supply Analysis.
D. A provision outlining how the Managing Entity will communicate with its customers regarding non-potable water use (including signage), limiting potable water use to inside purposes, water rates, and watering restrictions.
E. A provision requiring fees collected by the Managing Entity to be sufficient to ensure proper operation, locating, maintenance, and repair of the Non-Potable Water System, including the requirement for the Managing Entity to register as a Tier 1 utility under the Utility Notification Center of Colorado.
F. A provision requiring the Managing Entity to inspect the construction of the non-potable system at the start of each irrigation season to ensure the system is maintaining agreed-upon system specification and standards. This provision will further require the Managing Entity to submit to the District an annual letter certifying that the system continues to meet appropriate specifications and standards and identifying any system modifications (including as built drawings of any such modifications).
G. A provision requiring the Managing Entity to provide the District with an annual report at the start of each irrigation season that includes the prior year’s maintenance and operation activities, prior year’s monthly use, projected water supplies and demands for the upcoming season, and, if applicable, the water conservation measures required to meet the irrigation demand for the upcoming season.

~ END OF SECTION 17 ~

These Rules and Regulations were revised, adopted, and approved by the Little Thompson Board of Directors on August 12, 2021.