

**BEFORE THE BOARD OF DIRECTORS FOR
EAST ALAMOSA WATER AND SANITATION DISTRICT
RESOLUTION NO. 2022-03**

RESOLUTION ESTABLISHING BULK WATER RULES AND REGULATIONS

WHEREAS, East Alamosa Water and Sanitation District provides Bulk Water for purchase to area residents through its Bulk Water System; and

WHEREAS, East Alamosa Water and Sanitation District has limited volumes of water it can sell for bulk water; and

WHEREAS, some area residents use cisterns and obtain the water for their cisterns from East Alamosa Water District's bulk water system; and

WHEREAS, some contractors need bulk water in the completion of various construction projects; and

WHEREAS, East Alamosa Water and Sanitation District must adopt regulations to control and accurately measure and regulate all water sold through the bulk water system and the locations where the water will be used in order to assure the East Alamosa Water and Sanitation District remains compliant with state water regulations; and to sell or distribute Bulk Water shall be at the sole discretion of the East Alamosa Water District Administrator or Board of Directors.

BE IT THEREFORE RESOLVED by the East Alamosa Water and Sanitation District as follows:

A. Bulk Water Application

1. The decision to sell Bulk Water to any applicant is at the sole discretion of the East Alamosa Water District Administrator or Board of Directors.
2. Each person or entity desiring to purchase water through East Alamosa Water and Sanitation District's (EAWSD) bulk water system must submit a Bulk Water Purchase Application to the District Administrator.
3. Incomplete submitted applications will be rejected. All information on an application Must be complete, accurate, and truthful.
 - a. Applications containing misleading, inaccurate, false or deceptive information will be rejected.
 - b. If EAWS approves an application, and afterward determines that information was misleading, inaccurate, false or deceptive, the application approval will be revoked.
4. After the District Administrator approves the application, applicant will be issued a PIN that will allow access to bulk water station.

B. Bulk Water Application Limitations

1. The approval of an application is at the sole discretion of the District Administrator. If an application is denied, applicant may appeal the determination with the EAWSD Board of Directors at a monthly board meeting.
2. EAWSD has no obligation to provide bulk water to any applicant. This Resolution does not grant any person an entitlement to use, continuance of the use, or renewal of a previously approved application.

3. Bulk water applications will only be approved for users within unincorporated Alamosa County. The limit is necessary to control the volume of water being sold. The applicant bears the burden of proof to show the water will be used within this area.

4. Applications for residential use will be approved for a specific volume of water per month. The maximum volume of water for which an application may be approved is 4,000 gallons per calendar month unless this use is for emergency circumstances and the District Administrator approves the additional water for the emergency on a month to month basis after consultation with the District Board of Directors. Bulk water shall not be used for agricultural purposes.

5. Commercial use applications for construction shall consider the following:

- a. The availability of water for construction from other sources;
- b. The total amount of water required for the construction;
- c. Whether the volume of water requested is likely, in the sole opinion of the EAWSD Board, to cause a hardship on customers of the District; and
- d. Any other facts regarding the availability of water and the impact approving the water haul application may have on the EAWSD customers.

6. Applications for the volume of Commercial use water shall be approved on a case-by-case basis upon the initial recommendation of the District Administrator and subject to approval by the East Alamosa Board of Directors.

7. Under no circumstances will applications be approved for commercial water haul companies or persons for resale purposes.

8. Applicants must take their water from the Bulk Water Station located at the District Office. Water taken from any other unmetered source such as a fire hydrant is absolutely prohibited.

9. No application will be approved if the District Administrator reasonably believes that approving the application may cause the EAWSD to violate any federal or state law, rule, or regulation.

C. Bulk Water Rates

1. Bulk water rates have been previously established at \$5 per 100 gallons of water and all revenue from the bulk water system is deposited in the Water and Sewer Enterprise Fund.

2. The EAWSD Board may amend the bulk water rates from time to time by resolution after a 30 day Public Notice and Public Hearing.

D. Penalty

1. Any person, corporation, or unincorporated entity that violates this resolution will be ineligible to purchase water through the bulk water system for a period of six months after the first violation and a second violation will result in permanent ineligibility to purchase water through the EAWSD bulk water system.

2. Ineligibility may be appealed to the EAWSD Board by filing a letter of appeal stating the basis of the appeal within thirty days of the date of a written not of eligibility.

3. The EAWSD Board will issue a final decision in the matter within 30 days of the date the appeal to the Board of Directors was filed with the District Administrator.

E. Reports

1. The District Administrator will provide the EAWSD Board with a monthly report providing the following information:
 - a. Number of applications approved during the month prior to the report.
 - b. Volume of water sold year to dates as well as during the month prior to the report
 - c. Total number of active application as of the last day of the month prior to the report.
 - d. Any problems or issues with the bulk water system

2. The District Administrator shall not disclose information on individual customers in violation of the Open Records Act and as passed by Resolution No. 2017-02 by the East Alamosa Water & Sanitation District.

THE FOREGOING RESOLUTION was adopted by a majority vote of the Board of Director for East Alamosa Water and Sanitation District pursuant to a Motion made by _____ and seconded by _____.

DONE AND SIGNED this ____ day of April, 2022.

BOARD OF DIRECTORS
EAST ALAMOSA WATER AND
SANITATION DISTRICT

By _____

ATTEST:

Secretary to the Board