

WCSD RESOLUTION 02-6

ESTABLISHING THE CONDITIONS GOVERNING PROVISION OF WATER SERVICE FOR PRIVATE FIRE PROTECTION TO ASSESSOR'S PARCEL NUMBER 514-191-003

WHEREAS, Humboldt County Assessor's Parcel Number (APN) 514-191-003 is located outside and adjacent to the Westhaven Community Services District (WCSD) boundary and

WHEREAS, on February 4, 1979, an agreement was made between the WCSD's predecessor in ownership of the water system, namely the Westhaven Mutual Water Company, and Sam B. Merryman, Jr., to provide water service for the sole purpose of fire protection on APN 514-191-003 (incorrectly identified as APN 514-221-191 in the aforesaid agreement) and

WHEREAS, the WCSD has continued the provision of water service for fire protection to this parcel since the District's formation in 1987 and

WHEREAS, no agreement governing the provision of this water service exists between the WCSD and Sam B. Merryman, Jr. and

WHEREAS, WCSD General Water Use Regulations governing provision of water service to parcels within the District do not apply to parcels outside the District therefore

WHEREAS, for the purposes of this resolution, Owner includes the owner's heirs or assigns

BE IT RESOLVED, the Board of Directors of the Westhaven Community Services District establishes the following conditions governing provision of water service for fire protection by the WCSD (District) to the owner of APN 514-191-003 (Owner):

- 1. SERVICE:** The District shall provide water service to the Owner's property line by means of the existing three inch diameter water main.
- 2. USE:** There shall be no use of water through the fire protection service except for that used to extinguish fires and that used to test the fire extinguishing equipment.
- 3. NO CONNECTION TO OTHER SYSTEM:** There shall be no connection between the fire protection system and any other water distribution system on the premises.
- 4. WATER PRESSURE AND SUPPLY:** The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to interruptions and variations required by the operation of the system.
- 5. MONTHLY RATES:** The monthly rate for service shall be equal to the rate for Private Fire Protection within the District as set by District Resolution.

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- 6. **METERED RATES:** Any consumption recorded on the meter will be charged for at five times the maximum commodity rate for customers within the District as set by District Resolution, except that no charge will be made for water used to extinguish fires where such fires have been reported to an official fire fighting agency and have also been reported to the District within forty-eight hours of occurring.
- 7. **METER:** The Owner shall cause to be installed at his expense a meter deemed by the District to be suitable for measuring all ranges of water flow possible to occur through the service. The meter shall be installed within the public right-of-way as specified by the District and shall become the property of the District.
- 8. **BACKFLOW PREVENTION:** If backflow prevention is required by the California Department of Health Services (DHS) a backflow prevention device deemed suitable by DHS shall be installed by the Owner at his expense. The device shall be installed on the Owner's property within six feet of the property line. The backflow prevention device shall be the property of the Owner and shall be tested as required by DHS at the Owner's expense.
- 9. **MAINTENANCE:** The District shall maintain the water main, meter and all appurtenances up to the Owner's property line. The Owner shall maintain all elements of the fire protection equipment on the Owner's property, including the backflow prevention device, if required.
- 10. **VIOLATION OF RESOLUTION:** If, in violation of this Resolution, the Owner, including the Owner's agents, representatives, tenants or lessees, uses water for any purpose other than that of extinguishing of fires or testing the fire extinguishing equipment, the District may, at its option, discontinue and remove the service.

PASSED, APPROVED, and ADOPTED this eighteenth day of December 2002 by the following roll call vote:

AYES: Blake, Bryant, Cline, Oliphant, Schulz

NOES: None

ABSTAIN: None

ABSENT: None

Alfred (Skip) Oliphant, President
Westhaven Community Services District

ATTEST:

Annette C. Leshner, Secretary
Westhaven Community Services District