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Pine Grove Water District
3700 Gordon
Klamath Falls, OR 97603

2009-004858
Klamath County, Oregon



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Fee: \$81.00

PINE GROVE WATER DISTRICT

BY-LAWS

I. PURPOSE:

A. The purpose of this District is limited to the continuation and operation of the water system and properties located within the District in the vicinity of Klamath Falls, Klamath County, Oregon.

B. All persons whose deed or contract includes ownership of property within the District have a right to receive water from said water district for domestic purposes.

C. The operation of the District shall be conducted by the Board of Commissioners.

2. MEETINGS:

A. A majority of commissioners shall constitute a quorum at any meeting. The affirmative vote of the majority of members of the Board is required to transact any business. An annual meeting will be held at which the affairs of the District will be reviewed.

B. Meetings of the board of commissioners will be held on the fourth Thursday of each month. Notification of these meetings will be posted or published to allow those interested to attend. Special meetings may be called by anyone of the commissioners and notification will be given as to the date, time, place and purpose of the special meeting. All meetings will be open to the public.

3. BOARD OF COMMISSIONERS:

A. The Board of Commissioners shall consist of five commissioners elected by voters within the District. Any individual who owns and maintains real property within the District, pays taxes levied thereon by the District, and is an elector registered anywhere in the state, may serve as a commissioner. No commissioner shall be an employee of the District.

B. TERMS OF OFFICE: The original term of office for Commissioners will be: Three positions of four (4) years and two positions of one (1) year. (See Schedule No. I regarding Officers.)

C. Four officers of the District will be selected from this board. They will be Chair, Vice-Chair, Secretary and Treasurer. The board may, at their discretion, combine the offices of Secretary and Treasurer.

D. DUTIES OF THE OFFICERS:

Officers will serve a one year term; effective at the July meeting.

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2. The CHAIR shall preside at all meetings of the District and conduct them in accordance with the rules adopted. The Chair shall enforce due observance of the adopted rules, decide all questions of order, sign all official documents, act as Chair of the Board of Commissioners and vote on each issue. The Chair will appoint District members and commissioners to standing committees as needed.

3. The VICE-CHAIR will assume the duties of the Chair in his/her absence. The Vice-Chair shall arrange appropriate meeting places for all District meetings.

4. The SECRETARY shall keep a record of the proceedings of all meetings, carry on all correspondence; read communications at each meeting and notify members of future meetings. It shall be the duty of the Secretary to keep and maintain legal documents of the District.

5. The TREASURER shall be responsible for maintaining financial records of the District, arranging for banking and disbursements in a manner that safeguards District funds. The Treasurer will also act as the Chief budget officer and complete all necessary public financial records and reports.

E. OFFICER COMPENSATION AND REIMBURSEMENT:

I. Officer compensation and reimbursement policy will be established by the Board of Commissioners.

4. RULES AND REGULATIONS:

RULE #1: DEFINITIONS:

a. "DISTRICT" shall mean the Pine Grove Water District of Klamath Falls.

b. "APPLICANT" shall mean any person, business, organization that owns property located within the water District and who applies for service from the District or for service at the same or different location after service has been discontinued.

c. "CUSTOMER" shall mean any person, business or organization :who has applied for, been accepted and currently receiving service. A customer who voluntarily discontinues service and subsequently requests service at the same or different premises within 20 days after discontinuance remains a customer .

d. "PREMISES" shall mean any dwelling and its land, and may be a house, apartment, cottage, cabin or mobile home.

e. "MAIN" shall mean the pipe, preferably four inches or larger in diameter, laid in the street, alley or other right of way, for the distribution of water to customers. It shall not include service lines.

f. "SERVICE LINE" shall mean the pipe, valves, stops, fittings, meter and meter box, if any, laid from the main to the property line of the premises served.

g. "CUSTOMER LINE" shall mean the pipe, stops, fittings leading from the property line to the building served, excluding the meter and meter box.

RULE#2:

APPLICATION FOR SERVICE:

Application for water service must be made for each individual premises served, identifying the applicant, the premises to be served, the billing address if different, and the type of use to which the water is to be put. Applicant agrees to conform to the Rules and Regulations of the District as condition for receiving such service. The applicant shall pay any scheduled fees or deposits at application. Water usage fees are set by the District Board of Commissioners.

RULE #3:

CHANGE IN IDENTITY OR USE:

An application must be made to and approved by, the District upon a change in customer identity at any premises, or the type use to which the water is put.

RULE #4:

CONNECTION CHARGE:

Any applicant requesting permanent water service at a premises not previously supplied with permanent water service by the District shall be required to pay the service line connection charge listed on Schedule No.2.; plus the cost of annexing such applicants property into the District.

RULE #5:

SEPARATE CONTROL OF SERVICE:

All premises supplied with water will be served through service lines so placed as to enable the District to control the supply to each individual premises using a valve placed within and near the line of the street/district right of way, or at the meter.

REFUSAL OF SERVICE:

RULE #6:

DISTRICT FACILITIES:

The District will not approve an application for service for non domestic purposes or materially change service for an applicant or customer involving non domestic service, if, in the discretion of the District, it does not have adequate facilities to provide the service applied for, or if the desired service is of a character that is likely to adversely affect service to other customers.

RULE #7:

CUSTOMER FACILITIES:

The District shall refuse to serve an applicant or customer whose facilities do not comply with applicable plumbing codes or, if in the discretion of the District, are of such a condition that safe and satisfactory service cannot be given.

RULE#8:

CUSTOMER ACCOUNTS:

The District may refuse to serve an applicant or customer until all overdue charges or obligations owed to the District by the applicant or customer or owed by a prior customer for services provided to the same premises have been paid in full. The Board of Commissioners may elect to require a deposit prior to providing service to any customer who is delinquent in the payment of their account.

RULE #9:

APPEAL:

If service is refused, the District shall inform the applicant or customer of the reasons and of the District appeal and complaint procedures which are outlined in rule 25.

RULE #10:

METER SETTINGS:

All meters shall be set at convenient locations, accessible to the District and subject to it's control. The meter will normally be placed in a meter box or vault between the street curb and the property line. Each meter box or vault shall be provided with a suitable cover .

RULE #11:

CONVERSION TO METERED SERVICE:

Service will be converted to metered service as the District upgrades facilities. Rates established may be changed as facilities are upgraded.

RULE #12:

METER TESTING:

A customer may request the District to test the service meter. Such a test shall be made by exchanging the meter with a currently tested unit within 20 working days of the receipt of such a request at no charge to the customer. Test results shall be given to the customer. If a customer requests further meter testing more often than once in any twelve month period, the deposit listed on Schedule No.2 may be required of the customer to recover the costs of the test. If the meter is found to register more than 2% fast under conditions of normal operation, the District shall refund the deposit to the customer. In all cases if the meter is within the 2% tolerance discussed above; the customer will pay actual costs of replacement and testing.

BILLING

RULE #13:

DUE DATES/LATE PAYMENT CHARGE:

Bills are due and payable on or before the 25th day of each month. When the 25th falls on a holiday or on Sunday, the bills are due the following business day. Customers shall be billed at monthly intervals. Once service is metered, meters shall be read monthly, except in cases of inclement weather. In that event, customers will be billed at average rates based on the last 12 months usage if available until access to meters is possible.

All bills become delinquent if not received at the Pine Grove Water District Office or the Districts designee prior to 5:00 PM on the due date. If permitted to become delinquent the late payment charge listed on Schedule 2 shall be applied to accounts which are 30 days past due, and shall be applied to each successive month in which the bill remains unpaid.

(APPROVED 12-4-08 EFFECTIVE 02-01-09)

INFORMATION:

All bills shall state the delinquent date of the bill and the type of rate schedule or schedule number under which the bill was computed. At the time of conversion to metered service all metered bills shall show the reading of the meter at the beginning and end of the period of service to which the bill applies, the dates of the meter readings, the amount of water consumed, and any other information necessary to the computation of the bill. However, when there is good reason for so doing, estimated bills may be submitted.

RETURNED CHECK CHARGE:

The returned check charge, listed on Schedule No.2, shall be billed for each occasion a customer submits a check for payment which is not honored, for any reason, by a bank or other financial institution. The Board of Commissioners may elect to require payments of cash, certified check or money order from any customer who submits a dishonored check.

PRORATING OF BILLS:

Initial and final bills will be prorated according to the number of days that service was rendered on the basis of a thirty-day month and final meter reading

ADJUSTMENTS OF BILLS:

When an under or over-billing occurs, the District shall provide written notice to the customer detailing the circumstances, period of time, and the amount of the adjustment. If it can be shown that the error was due to some cause, the date of which can be fixed, the over or undercharge shall be computed back to such date. If no date can be fixed, the District shall refund the overcharge or rebill the undercharge for no more than six months usage. In no event shall an over or under-billing be for more than three years usage. No billing adjustment shall be required if a meter registers less than a 2% error under conditions of normal operation. When a customer is required to repay an under-billing, the customer shall be entitled to enter into a time payment agreement without regard to whether the customer already participates in such an agreement. If the customer and the District cannot agree upon payment terms, the Commissioners shall establish terms and conditions to govern the repayment obligation. The District shall provide written notice advising the customer of the opportunity to enter into a time payment agreement and of the appeal and complaint process.

RULE#14:

VOLUNTARY DISCONTINUANCE:

Except for emergencies, a notice must be given to the District five days in advance and payment in full of all arrears must be made should a customer desire discontinuance of service. Until receipt of notice, the customer shall be held responsible for all service rendered. (Rule 20---one \$20.00 fee applies. Adopted 7/08/01)

RESPONSIBILITIES OF COMPANY AND APPLICANT OR CUSTOMER:

RULE #15:

SERVICE LINES:

The District will make all connections to its mains and will furnish, install, maintain, and own all service lines from the main to the property line. The District shall also furnish, install, maintain, and own curb stop, meter, and meter box~ Broken meters shall be repaired or replaced within 30 days of discovery at no charge to the customer. Extension of service costs will be borne by the applicant. See schedule #2.

RULE #16:

CUSTOMER LINES:

The Customer shall own and maintain the customer line, promptly repairing all breaks and leaks. The District shall not be responsible for any damage or poor service due to inadequacy of the customer line or any portion of the customer's plumbing.

RULE #17:

PERMIT REQUIRED FOR CONNECTION WORK:

No person shall be allowed to make connections with the mains, or to make any alterations to service lines or to any premises without permission of the District.

RULE #18:

ACCESS TO COMPANY PROPERTY :

Customers shall provide access during reasonable hours to District owned service lines that extend onto the premises of the customer, for the purposes of reading meters, maintenance, or removal of District property at the time service is to be terminated.

RULE #19:

TROUBLE CALL:

The trouble call charge listed in Schedule No.2 may be billed whenever a customer requests the District to visit the customer's premises to remedy a service problem and the problem is due to the customer's facilities.

RULE #20:

TURNING WATER OFF/RECONNECTION CHARGE:

When an applicant or customer fails to comply with the District's rules and regulations, or permits any bill or charge to become delinquent, the District will give five days notice by first-class mail and by posting in a conspicuous place on the premise (ORS 264.306) before water may be shut off (OAR 860-21-505 requires a minimum of five days). The notice shall state the reasons for shut off,

the earliest date for shut off, and shall inform the applicant or customer of the District's appeal and complaint process. Service shall not be restored until the rules and regulations are complied with or payment is made in amounts overdue, and the additional reconnection charge listed on Schedule No.2 is paid for the expense of turning water off and on. (Delinquent means 90 days past due. Adopted 7/26/01)

RULE #21:

UNAUTHORIZED RESTORATION OF SERVICE:

After the water has been shut off at the meter, if it should be turned on by any person not authorized by the District, the water service line may be disconnected. Service shall not be restored until all arrears, all costs of service disconnection and reconnection charges listed on Schedule No.2 are paid in full.

RULE #22:

SHUT OFF FOR REPAIRS:

The District shall have the right to shut off the water supply temporarily for repairs or other necessary purposes. The District shall use all reasonable and practicable measures to notify the customer in advance of such discontinuance of service except in the case of emergency repairs. The District shall not be liable for any inconvenience suffered by the customer or damage to his property arising from such discontinuance of service.

RULE #23:

SPRINKLING:

Special restrictions on sprinkling and other outside uses may be imposed in part of the District or entirely in cases of emergency or water shortage to maintain services for domestic purposes. Restriction non-compliance may be subject to additional fees as assessed by the Board of Commissioners.

RULE #24:

DAMAGES:

Should damage result to any of the District's property from meddling or willful neglect by the customer, or to a meter or meter box located in the customer's premises from meddling or willful neglect by any person, the District will repair or replace such equipment and may bill the customer for the costs incurred.

RULE #25

APPEALS AND WAIVERS:

Appeals or waivers to a rule or complaints will be provided in writing to the Board of Commissioners by any customer withill 10 days of a regular meeting of the Board. Any such person may appear at any regular meeting of the Board and shall be given a reasonable opportunity to be heard. Appeal or waiver requests of a rule shall be included in the agenda and notification of the meeting where it will be considered.

By-Laws Adopted 2/26/98

Revised 12/4/08

(Last page)

PINE GROVE WATER DISTRICT

SCHEDULE NO 1

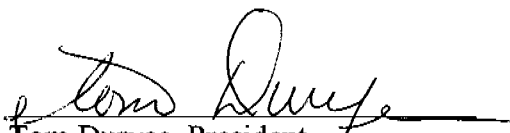
Dated: 24 July 1997

MISCELLANEOUS SERVICE CHARGES

This schedule lists the miscellaneous service charges that are included in the District By-laws (refer to the appropriate rule for an explanation of the charges and the conditions under which they apply):

| | | |
|---------------------------|---|--|
| WATER USAGE FEE: | (Rule #2) | Monthly \$25.00 Metered (Per 1000 cu.ft.) \$1.00 |
| SERVICE CONNECTION: | (Rule #4) | \$250.00 |
| METER TESTING: | (Rule #12) | Exchange Unit \$20.00 Second Test (12 Mo.) \$100.00 |
| LATE PAYMENT: | (Rule #13) | \$5.00 |
| RETURNED CHECKS: | (Rule #13) | \$20.00 |
| EXTENTION OF SERVICE: | (Rule #15) | Actual Cost |
| CUSTOMER TROUBLE CALL: | (Rule # 19) | Actual Cost |
| WATER SUBJECT TO SHUTOFF: | (Rule #20) | Billed amount exceeds 90 days service. |
| SHUTOFF/RECONNECT CHARGE: | (Rule #20 & 14) (one fee adopted 7/28/01) | \$20.00 |
| UNAUTHORIZED RESTORATION: | (Rule #21) | Actual Cost |
| DAMAGE/TAMPERING CHARGE: | (Rule #24) | Actual Costs |
| ANNEXING TO DISTRICT: | (Rule #4) | Actual Costs |

SIGNATURE PAGE


Tom Duryee, President

STATE OF Oregon

SS. April 3rd 2009

COUNTY OF Klamath

Personally appeared the above named Tom Duryee as President of Pine Grove Water District acknowledged the foregoing instrument to be his voluntary act.

WITNESS My hand and official seal.

(seal)


Notary Public

State of OR

My Commission expires: 12/20/10



PINE GROVE WATER DISTRICT
3700 GORDON
KLAMATH FALLS, OR
97603

March 27, 2009

To Whom It May Concern:

This is to certify the Pine Grove Water District serves 71 customers.

Pine Grove Water District



Tom Duryee, Pres.