

SUN COUNTRY MAINTENANCE ASSOCIATION
Kittitas County, Washington
April 21, 2010
Resolution No. 4212010

**A RESOLUTION ADOPTING SUPPLEMENTAL RULES AND
REGULATIONS FOR THE WATER SYSTEM**

A. The Sun Country Maintenance Association is a homeowners association that serves potable water to Divisions I, II and III of the plat of Sun Country Estates in Kittitas County, Washington. The Association has limited water rights issued by the Department of Ecology of the State of Washington and the extent of those rights have been called into question by the department due to litigation which is presently on appeal before the Washington State Supreme Court.

B. The Association's Board of Directors believes it is necessary to adopt rules to clarify the terms and conditions of water service and to provide for an interim method for the Association to allocate its water rights capacity until the extent of its water rights are resolved. Now, therefore,

BE IT RESOLVED that the following actions and rules shall be adopted and instituted by the Association effective immediately upon adoption of this resolution:

Sec. 1. Effect of New Rules and Regulations. All requests for connection to the Association's water system shall be governed by the rules set forth in this resolution. If circumstances arise that are not covered by these rules, the Association's Board shall have the authority to make determinations which carry out the intent and purpose of such rules and this resolution and to adopt new or supplemental rules. The Board's determinations shall be final and binding.

Sec. 2. Allocation of Water Connections. New connections shall be issued in accordance with the following priority:

1. The original 271 platted lots within Divisions I, II and III of the plats of Sun Country Estates shall have the first priority. Any lots that have been consolidated through a land use decision or administrative process of Kittitas County or otherwise joined together in a conclusive manner, such as by building a home or permanent structure over a lot line, shall be treated as one lot for purposes of these rules.
2. Any lot within such Divisions created after the original 271 lots were platted shall have the next priority up to a total of 271 total connections. In the event of multiple demands for connections from this category that, taken together, exceed the capacity of the Association's water rights or capacity to serve, the requests for connection shall be based upon the date that the lot was platted by Kittitas County; meaning, the date that the Kittitas County Board of

Commissioners adopted an ordinance or resolution approving the creation of the lot. If this does not resolve the matter, then the date that Association first receives a written request for service shall be used and an earlier written request shall have priority over a later written request.

3. Connections in excess of 271 shall be subject to a future Board determination.

Any unsuccessful applicant may elect to be placed on the Association's waiting list. The order of placement on the waiting list shall be based upon the date that a lot owner requests the Association, in writing, to be placed on the waiting list. If additional capacity becomes available, connections will be offered to persons and firms on the waiting list in their order of placement. The Board may establish additional rules for offering such additional connections.

Sec. 3. New Water Service Rules and Regulations. The following rules of the Association pertaining to water service are hereby adopted:

1. APPLICATION FOR SERVICE: Each person or firm requesting water service shall sign the Association's application form and provide additional information applicable to the proposed service as may be requested by the Association. Execution of the application form constitutes agreement and acceptance of the Association's Rules and assessments.

2. WATER SERVICE APPURTENANT TO LAND: Validly issued commitments to receive water service and places on a waiting list shall be appurtenant to the parcel of land to which they pertain and shall, upon application to and approval by the Association, transfer to the transferee of the parcel that is vested with record title. Such interests shall not otherwise be sold, transferred, or assigned and the Association shall have no obligation to honor any attempt to sell, transfer or assign such interests except as set forth herein.

3. MEMBER'S PIPING AND EQUIPMENT: Members shall own and be solely responsible for all lines, plumbing and equipment located on the members' side of the water meter and the Association shall not in any way be liable for accidents or damages occurring to the member, or to third parties because of failure of, any portion of a member's plumbing and equipment. Members' plumbing and equipment shall be in installed and maintained in accordance with applicable plumbing codes. The Association reserves the right to refuse or discontinue service to a member where such plumbing and equipment is in hazardous condition, does not conform to lawful codes and local regulations, or if continuation of service could jeopardize the water system. It shall be the member's responsibility to provide (a) suitable protective equipment such as relief valves, backflow prevention devices, pressure reduction valves, turnoffs, check valves and whatever other items may be necessary to protect their plumbing and improvements, and (b) booster pumps to increase pressure if needed.

4. METERS: Meters will be installed by the Association in locations determined by the Association. The Association's designees shall have access to all water meters for meter

reading, maintenance, repairs and replacements. Only Association designees are authorized to turn on/off a member's service at the meter.

5. **SYSTEM DISTURBANCES:** The Association will use reasonable diligence to provide an adequate supply of water for normal household use. If the supply is interrupted for any cause, the Association shall not be liable for personal injuries, loss or damage resulting therefrom, nor will such failure constitute breach of agreement for service. The Association shall have the right to temporarily suspend service for the purpose of making repairs or improvements to the system. When practical, members affected will be notified in advance. Water service shall not be utilized by any member in such a manner as to cause abnormal disturbances or pressure fluctuations in the Association's water system.

6. **CROSS CONNECTIONS:** No member shall connect their service line, plumbing or any appurtenance with any other water source. Unauthorized connection to or use of a water service is not allowed and may cause a fine to be assessed to the member or result in disconnection. The Association may adopt and enforce separate and additional cross connection control regulations.

7. **DISCONTINUANCE OF SERVICE BY THE ASSOCIATION:** The Association may refuse to connect or may disconnect service for violations of any of its Rules, for failure to pay assessments or any other amounts due Association when due, for theft, for illegal diversion of water, for failure to pay any indebtedness due the Association, or for damaging to Association's property. Except when public health is at risk, the Association shall provide a member with reasonable notice of a proposed disconnection of service and provide an opportunity for a hearing before the Board or its designee. The disconnection of service for any of these causes does not release the member from any obligation to pay for services received or for other charges that may accrue after disconnection.

8. **FIRE HYDRANTS:** Fire Hydrants may only be used by Association personnel, agents and contractors for flushing and maintenance purposes or by fire district personnel for fire fighting purposes. Fire hydrants will not be used by anyone for training or practicing fire fighting without the prior approval of the Association. **UNAUTHORIZED USE OF FIRE HYDRANTS SHALL CARRY A MINIMUM FINE PER OCCURRENCE AS MAY BE DETERMINED BY THE BOARD.**

9. **LIMITATION ON USE:** Water received through a service connection and meter may only be used on the member's designated parcel and for the improvements and uses authorized thereon by the Association.


10. **CERTIFICATES OF WATER AVAILABILITY:** A certificate of water availability ("Certificate") will be issued only to a member of the Association for a lawful proposed use of water on a lot that is eligible for water service and for which the Association has the legal and physical capacity and ability to serve. The Certificate will be valid for a period of one year, expiring automatically unless the applicant applies for and receives, in writing as approved by the Board, an extension of the one year period prior to the date of

expiration. A Certificate that expires shall become null and void and have no further force or effect.


Sec. 4. Superseding Effect.

In the event any of the above rules conflict with any existing rule, regulation or policy of the Association, the above rules shall prevail.


Adopted at a regular meeting of the Board of Directors of the Sun Country Maintenance Association, Kittitas County, Washington, held on the 21st day of April, 2010. This resolution shall supersede all prior inconsistent policies.



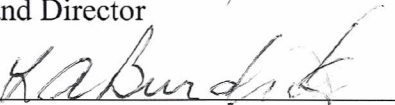
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and Director



Barbara Premo, Vice President
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Leigh Burdick, Director



Reid Kinne, Director



Dan Reilly, Director



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