

BUCKHORN RANCH WATER SERVICE COMPANY, LLC (BRWSC)

WATER USAGE RULES AND REGULATIONS

1.1 PURPOSE AND SCOPE. The purpose of these Rules and Regulations is to conserve water, to prevent unnecessary depletion of the raw and treated water supply of Buckhorn Ranch, to supply a continuing level of satisfactory service to Buckhorn Ranch Water Service Company's existing customers, and to insure BRWSC's ability to meet the present and future water needs of Buckhorn Ranch residents. These Rules and Regulations shall apply to all users of BRWSC's water.

1.2 WATER CONSERVATION REQUIRED. No customer shall discharge, or cause to be discharged or permit any bleeding water flow. Customers shall prevent unnecessary waste of water, and shall keep all water outlets closed when not in actual use. Hydrants, outside water faucets, urinals, toilets, bathtubs, showers, and other water fixtures shall not be left running for any purpose other than for which they are intended. Each customer shall have the affirmative duty to forthwith remedy any break or defect in a service line (that being the water line from the Point of Delivery to the structure or home it services), for which the customer is responsible which causes or may cause discharge of treated water into the ground or infiltration of ground water into the water or sewer systems.

1.3 WATER CONSERVATION FIXTURES REQUIRED. All plumbing fixtures in new construction (for the purposes hereof "new construction" shall include any remodeling of present construction or other replacement of plumbing fixtures presently installed), whether commercial or residential within Buckhorn Ranch shall meet the following requirements for water use:

- a. All toilets shall be designed to use a maximum of 1.6 gallons per flush. All closets shall be listed with an approved listing agency. What?
- b. Shower heads for the purpose of showering shall have a maximum flow rate of 2.5 gallons per minute at 80 psi.
- c. In all commercial construction, all bathrooms shall be equipped with faucets that deliver a maximum flow of 0.5 gallon per minute at 60 psi; or with metering valves that close automatically after delivering a maximum of .25 gallon; or that are controlled by an infrared or other device so that they operate only upon demand with a maximum flow rate of 0.5 gallon per minute at 60 psi, except required disability facilities may be equipped with faucets designed for the disabled.
- d. Kitchen and service (what is a service faucet) faucets shall have a maximum flow of 2.2 gallons per minute at 60 psi.
- e. In all residential construction, bathroom faucets shall have a maximum flow of 2.2 gallons per minute at 60 psi.
- f. Automatic Flushing Tanks – The use of automatic flushing tanks which flush more than one urinal at a time shall be prohibited.

- g. All urinals shall be designed to use a maximum of one (1) gallon per flush. No urinal shall be installed which uses a timing device to flush periodically irrespective of demand.

1.4 LIMITATIONS ON OUTDOOR USES OF WATER. No outdoor uses of water may be made by a customer except as specifically permitted hereunder, as follows:

- a. Washing of exteriors of houses or other structures, but no more often than two times per year.
 - b. Car washing, provided that such is accomplished by use of a bucket or a hose with a spring-loaded shutoff valve.
 - c. Washing of paved walks and drives, but no more often than once per month.

1.5 LIMITATIONS ON LAWN WATERING.

a. No person shall cause or permit water waste. Waste of water is defined, by way of illustration, but not limitation, as continuous application of water to lawns or sod resulting in ponding or the flowing of waste water into drainage or storm drainage facilities, or failure to repair irrigation system units which are leaking, or application of water intended for lawn irrigation to other uses or other applications of water which do not result in beneficial use of such water consistent with the limitations of this section.

b. Except as provided in the Amended and Restated Declaration of Protective Covenants for Buckhorn Ranch, every lot within Buckhorn Ranch shall be limited to 1,000 square feet of irrigated area.

Excepted from the foregoing watered lawn size limitations are all existing lawns as of September 5, 2018; provided that, such lawns may not be increased in size thereafter (except as limited hereinabove), nor may they be replaced in the future (except as limited above) if they are reduced in size or eliminated by the lot owner.

c. The area defined in subsection b above may only be watered during times according to the watering schedules posted on BRWSC's website. Such schedules shall be prepared by the Manager of BRWSC and shall be structured to reduce peak flow demand to a minimum.

1.6 EMERGENCY POWERS.

In times of water emergency, BRWSC may alter these Rules and Regulations, as follows:

- a. Upon a finding by BRWSC or, in the face of imminent danger a finding by the Manager, that BRWSC is facing a shortage in its supply of water, or facing a problematic situation in regard to its capacity to supply water, BRWSC shall have the authority to institute special rules and regulations affecting the uses, prices, and times of use, or even to prohibit, if necessary, all outdoor uses of water served by the water delivery systems. BRWSC may place users on a "drought water rate system, or may, in its sole discretion, alter the water rate structure as necessary.

- b. Such special rules and regulations promulgated as a result of BRWSC's action under subsection (a) hereinabove shall have full force and effect and be enforceable when posted on the BRWSC's website and mailed to customers, and shall continue in effect until such time as the water shortage or delivery system problem is found by BRWSC to have ended and notice thereof has been posted and mailed to customers.

1.7 WATER METERS. In the event required by BRWSC, each customer in Buckhorn Ranch shall be required to maintain a water meter, as prescribed by BRWSC, measuring all water usage by the customer. . Such meter shall be available to the BRWSC's water meter reader throughout the year.

1.8 REGULAR WATER RATE SYSTEM. Each property shall be billed for its water use based on the schedule described in the Declaration of Water Service for Buckhorn Ranch by and between Buckhorn Ranch Water Service Company, LLC and Buckhorn Ranch Association, Inc.

rates and water availability are subject to change. BRWSC may discontinue water service to properties and customers who are delinquent in payment to BRWSC.

1.9 DROUGHT WATER OR EMERGENCY SITUATION. In the event BRWSC determines restrictions on use are warranted in the event of a drought or an emergency situation, such restrictions shall be posted on the property manager for Buckhorn Ranch Association, Inc.'s website, and emailed to customers as soon as possible. Customers shall be notified of any additional language to these Rules and Regulations addressing restrictions as a result of drought or an emergency situation.

1.10 SPECIAL PERMITS. Daily or hourly watering restrictions imposed hereby may be modified by BRWSC, as follows:

- a. For watering newly sodded lawns, daily watering for a period not exceeding fourteen consecutive days during the times and for duration of time as set forth below.
- b. For watering newly seeded lawns, daily watering for a period not exceeding twenty-five consecutive days.
- c. For watering outside landscaping (but not including lawns), daily watering for a period not exceeding fifteen consecutive days.
- d. When there are circumstances that do not permit a customer to deliver three-fourths of an inch of water per week on watered areas, an appropriate watering arrangement to attain that minimum provided the customer submits a plan describing the area to be served and the method to be used to deliver an adequate amount of water.
- e. For water schedules otherwise prohibited, in cases of a clear and present hardship.
- f. All watering shall occur for no more than a total of five (5) hours each day and between the hours of 5:00 AM to 10:00 AM and/or 5:00PM to 10:00PM.

An applicant for a special permit shall be required to pay a special permit fee in a reasonable amount to be determined by BRWSC, and apply in writing on the forms provided by the Manager that contains the following information: the reasons for requesting the permit; the period of time for which the permit is requested; the area or address to the premises to which such permit applies; for requests for additional watering times, a map describing the area for which the permit is requested and a description of the method to be used to deliver an adequate amount of water to the area; and such other applicable information as the Manager may reasonably request in order to review the application.

The holder of each special permit shall post the permit in a conspicuous place on the premises to which the permit applies so that it is readily visible to the street adjacent to the premises. No person who holds a special permit shall transfer that permit from the premises for which the permit is issued to any other premises or location. Any attempt to do so voids the permit. If any person holding a permit under this section violates any condition of the permit the Manager may revoke the permit. The Manager may establish such additional procedures as deemed necessary for the review and processing of special permit applications.

1.11 ENFORCEMENT. In the event of any customer's failure to comply with this section, BRWSC may: (a) discontinue or terminate service; (b) fine the customer up to \$100.00 for each incident (each day of unremedied noncompliance may be treated as a separate incident); (c) require the posting of a cash bond, not to exceed \$500.00, to be used as a fund for payment for future incidents; and (d) employ any other remedy provided under these Rules and Regulations or by law. Any customer charged with failure to comply shall have a right to be heard by BRWSC at its next regularly scheduled Board of Managers' meeting with respect to such charge, at which hearing the Board shall determine whether the customer has violated these Rules and Regulations by a preponderance of the evidence. For the purposes of this section a customer shall be responsible to BRWSC for failure to comply by any lessee, guest, invitee, employee, agent, representative or contractor of the customer, and for any violation caused by the act or omission of such persons resulting in a violation, whether such was intentional or negligent. - **In the event BRWSC takes enforcement action against a customer, BRWSC, if prevailing, shall be entitled to an award of reasonable attorney fees and costs, including expert witness fees. BRWSC shall have all other enforcement rights and remedies as set forth in the Declaration of Water Service for Buckhorn Ranch, and pursuant to law.**

1.12 MISCELLANEOUS. BRWSC shall have the power and duty to limit total water usage, change the rates for water service, deny service to customers who fail to abide by use restrictions pursuant to the procedures enumerated in Section 1.11 above, and exercise any other power or duty that arises from these Rules and Regulations or by law. BRWSC shall have this power and duty regardless of the status of drought in Buckhorn Ranch.