

STATE OF COLORADO)
) ss
COUNTY OF JEFFERSON)

BEFORE THE BOARD OF DIRECTORS
OF THE LOOKOUT MOUNTAIN
WATER DISTRICT

RE: LATERAL DISCONNECTION POLICY AND AMENDMENT OF SECTION 5.3.5 OF
THE DISTRICT'S POLICIES, RULES AND REGULATIONS

BOARD RESOLUTION AND ORDER

THIS MATTER COMING ON TO BE HEARD on April 11, 2011 by the Board of
Directors of the Lookout Mountain Water District (the "District").

THE BOARD FINDS:

1. Most laterals within the District are owned by the property owners served or by property ownership groups or entities and not by the District.
2. Lateral ownership has been a matter of record since formation of the District and the District has attempted to educate its residents regarding their lateral ownership obligations on numerous occasions and through various mediums in the past.
3. The District recently has advised lateral owners of their obligations regarding the repair and replacement of laterals by letter and has received inquiries requesting information and the District's cooperation to facilitate the issuance of well permits for properties now connected to private laterals.
4. The Colorado Division of Water Resources has advised that well permits will not be issued unless the District states it cannot provide water to the owner's property or that it does not object to the issuance of a permit for a well within its service area.
5. The Board has determined that it is in the best interests of the District to establish a policy regarding the issuance of well permits within its service area.
6. The Board has considered the ramifications of additional wells within its service area and disconnection from laterals and makes the following specific findings:
 - a. The maintenance of laterals in good condition is necessary to protect against water loss in the public water system. Allowing wells within the District's service area reduces the number of property owners responsible for lateral maintenance, repair, and replacement. Leaving responsibility for lateral maintenance, repair, and replacement up to a smaller number of people is likely to have a negative effect on the remaining lateral owners' ability to maintain, repair, or replace laterals and contribute to water loss.

- b. Allowing property owners to disconnect from the public system and utilize wells will reduce the revenue the District needs for operation and maintenance of the public system and for necessary upgrades. Allowing those not yet connected to install and use wells in lieu of the public system deprives the District of future revenue. In both cases, requests for exclusion from the District are likely as well.
- c. Allowing a property owner connected to the public system to use well water risks contamination of the public water system as a result of cross-connections. Although such risks may be mitigated by the use of back-flow prevention devices, the District does not and is not likely to have the resources to monitor a large number of such devices on a regular basis. Accordingly, an increase in the number of wells may create additional risk of contamination of the public water system.

7. Section 5.3.5 of the District's Policies, Rules & Regulations prohibits uncontrolled cross-connections within the District but does not adequately deter property owners from having both a well and public system connection and requires amendment.

8. The adoption of a policy against the facilitation of additional wells and cross-connections within the District is in the best interest of the District and its residents.

WHEREFORE, IT IS RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE LOOKOUT MOUNTAIN WATER DISTRICT as follows:

- A. That, absent special circumstances, the District shall not approve or otherwise facilitate the issuance of an exempt well permit for property within its boundaries. For purposes of this section, special circumstances shall not consist only of costs associated with the maintenance, repair, or replacement of laterals.
- B. Section 5.3.5 of the District's Policies, Rules & Regulations shall be amended to read as follows:


Cross-Connections Control and Backflow Prevention Devices.

Article 12 of the Colorado Primary Drinking Water Regulations states that a public water system shall have no uncontrolled cross-connection to a pipe, fixture, or supply, any of which contain water not meeting provisions of the drinking water regulations. A cross-connection is any point in a water distribution system where chemical, biological, or radiologic contaminants can be drawn or pushed back into the potable water system. To avoid cross-connections within the District, absent special circumstances, from and after April 11, 2011, the District shall not approve or otherwise facilitate the issuance of an exempt well permit for any property located within the District's boundaries and shall not allow the physical connection of a tap to a lateral or main if the property is also served by an existing well. For purposes of this section, special circumstances shall not consist only of costs associated with the maintenance, repair, or replacement of laterals. Where a cross-connection exists or is allowed due to special circumstances, a backflow prevention device shall be installed

at every point of cross-connection which prevents contaminated water from entering the potable water distribution system.

Dated: April 11, 2011

LOOKOUT MOUNTAIN WATER DISTRICT



President

CERTIFICATION

The undersigned secretary of the Lookout Mountain Water District certifies that the foregoing Resolution and Order is a true, complete and correct copy of a Resolution and Order of the Board of Directors of the Lookout Mountain Water District duly and regularly entered by the Board at its regular public meeting held on April 11, 2011.



Secretary