

Original Sheet No. 1
WN U-1
Lewis and Clark Irrigation Company

For Commission's Receipt Stamp

Lewis and Clark Irrigation LLC
Service Area: West Richland WA
PO Box 7223 Kennewick WA 99336
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UBI 604-591-618
LCIRRIG.com

and

CONTAINING RULES AND REGULATIONS

GOVERNING SERVICE

Issued Date: 3/13/2023

Effective Date: 3/24/2023

Issued By: Lewis and Clark Irrigation Company

By: Kirk Rathbun

Title: Managing Member

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January 2022

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Legend of Symbols

The following symbols are applicable to all tariff schedules and rules of the utility. These symbols will be used in the far-right margin on all pages where changes have been made to current tariff.

- D - Discontinued rate, service, regulation, or condition.
- N - New rate service, regulation, condition, or sheet.
- I - A rate increase.
- R - A rate reduction.
- C - Changed condition or regulation.
- K - That material has been transferred **to** another sheet in the tariff. (A footnote is required on the tariff sheet to identify the new sheet number)
- M - That material has been transferred **from** another sheet in the tariff. (A footnote is required on the tariff sheet to identify the former sheet number)
- T - A change in text for clarification.
- O - No change (This symbol is discretionary unless specifically requested by the commission).

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WATER SERVICE
RULES AND REGULATIONS

Rule 1 – Adoption of Rules of Regulatory Authorities

The regulation rules pertaining to water service prescribed by the Washington Utilities and Transportation Commission (Commission) described in Chapter 480 WAC (Washington Administrative Code) are thereby adopted and made a part of this tariff.

Rule 2 – Schedules and Conditions

The schedules and conditions specified in this tariff for water service are subject to change according to the public service laws of the State of Washington. The amount of water furnished is subject to the Washington State Department of Ecology (DOE) required standards of quantity. The water resources and water rights are subject to the Washington State Department of Ecology's (DOE) required standards of issued permits for surface water withdrawal.

Rule 3 – Application and Agreement for Service

Each prospective customer desiring water service will be required to sign the Utility's standard form of application before service is supplied.

An application for service is notice that the prospective customer desires water service from the Utility and represents agreement to comply with the Utility's rules and regulations on file with the Commission and in effect at the time service is furnished. In the absence of a signed application for water service, the delivery of water by the Utility through a standard connection and the taking thereof by the customer will constitute an agreement by and between the Utility and the customer for the delivery and acceptance of service under the applicable rate schedule(s) and these rules and regulations. For new connections for domestic water service, a cross connection survey will be required as part of the application prior to accepting the applicant as a customer.

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WATER SERVICE
RULES AND REGULATIONS

Rule 4 – Definition of Domestic Water Service

Service will be supplied as described in these rules and under the applicable rate schedule(s). Service will be supplied only to those who secure their source of water exclusively from the Utility, unless otherwise provided under written contract. Water service will be used only for the purpose specified in the service agreement and applicable rate schedule(s). A customer will not sell or permit others to use such service, unless authorized to do so under written contract with the Utility.

The customer will not increase demand or use of domestic water service or irrigation water service as stated in the application for service without giving prior notice of such increase. In the event of such an increase, the customer is required to pay the Utility's regularly published rates from the date of increased service or initial use of the service.

Rule 5 – Disconnection Visit Charge

When a Utility employee is dispatched (single visit) to disconnect service, that employee must accept payment of a delinquent account and service will not be disconnected. If a disconnect visit charge is specified in **Schedule X**, the Utility may require payment of the fee at the door or charge it on the customer's next bill. If amount owing is tendered in cash, Utility employee will not be required to dispense change for excess over the delinquent amount due and owing. Any excess payment will be credited to the customer's account. Disconnection visits will only be made following the required notices to the customer.

Rule 6 – Reconnection Charge

When a Utility employee is dispatched (single visit) to reconnect service to the Utility distribution system, a reconnection charge will apply if specified in **Schedule X**. Such charge is to apply only in cases where service (which includes but is not limited to violations of Rule 17 – Disconnection of Service) has been discontinued.

The Utility will restore service when the cause of discontinuance has been removed or payments of all proper charges due from customers have been made. No charge will be made for reconnection of service if the shut-off was made for the convenience of the Utility in making repairs, changes, etc.

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WATER SERVICE
RULES AND REGULATIONS

Rule 7 – Installation of Service Pipes and Meters

The Utility will construct service connections of a proper size from its distribution mains to the customer's property. The Utility reserves the right to refuse to construct a service connection to any property if the applicant's pipes are not properly constructed and protected.

'Utility Meter Installation' – The Utility may meter any service at its discretion, provided that metered rates are in effect. All meters so placed will be installed and maintained by the Utility without direct retrofit charge to the customer.

'Customer Request Meter Installation' – A meter will be installed upon any flat rate service at the request of the customer, provided that metered rates are in effect, only if the actual cost of the meter and installation is paid by the customer. The amount paid will be reimbursed to the customer, by bill credit, by at least ten (10) percent of the meter and installation charge each month until fully repaid. All meters will be installed and maintained by the Utility without future charge to the customer. The charge and conditions for this service are specified in **Schedule 4**.

Rule 8 – Distribution Main Extension

'Utility Allowance' – Where elevation and construction conditions allow and one or more bona fide potential customer's* request a main extension, the Utility will construct and pay for the same if the Utility has sufficient capacity available to meet standards of quantity.

'Customer Prorate Share' – The cost of main extension, in excess of the estimated customer's revenue for three (3) years (Utility allowance), must be paid by the prospective customer in advance.

'Construction Contract' – No main extension will be considered as coming under this rule where the total cost of the main extension is greater than the estimated customer's revenue for six (6) years. Water main extensions and/or fire hydrants will be installed after contracts have been approved by the Commission for special contracts for water utilities and distribution extensions.

*As defined in WAC 480-110-245

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WATER SERVICE
RULES AND REGULATIONS

Rule 9 – Responsibility for, and Maintenance of, Services

'Point of Delivery' – The point at which water will be delivered to and received by the customer will be on the property line of the customer's property at a point designated by the Utility.

The Utility will install its meter or other connection device at the Point of Delivery, except, at its option, the Utility may install its meter at some other agreed point on the property of the customer, provided that in such event the property line will nevertheless be deemed the Point of Delivery.

The customer will assume all responsibility after Point of Delivery for water supplied by the Utility. The Utility will be exempt from all liability for loss or damage caused by leakage or escape of water furnished by the Utility, after water has passed the Point of Delivery.

All service pipes and fixtures on the customer's side of the Point of Delivery shall be provided and must be maintained and protected from freezing at the customer's expense. Where there are leaking or defective pipes or fixtures, the water may be turned off at the option of the Utility until properly repaired. The Utility may require any service to be equipped with freeze prevention devices to be used during cold weather conditions instead of permitting water to run continuously from faucets.

Rule 10 – Access to Premises

The Utility's regularly authorized agents or employees will have access to the premises of the customer at reasonable hours for meter reading, inspection, connection, disconnection, repair or removal of the Utility's property. Where the meter has not been read, a minimum bill will be rendered and adjusted when the next succeeding meter reading is available. After properly notifying the customer, the Utility may discontinue service for refusing to allow access per WAC 480-110-305 and 480-110-355.

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WATER SERVICE
RULES AND REGULATIONS

Rule 11 – Service Visit Charge

The customer will pay a Service Visit Charge as specified in **Schedule X** when:

- a. A Utility employee or agent is dispatched to the premise and the condition was caused by or was the responsibility of the customer.
- b. The Utility employee or agent has not had access to read the meter for at least two (2) billing cycles, and the Utility employee or agent is dispatched to access the meter and continues to not have access to the meter. Where the meter has not been read, a minimum bill will be rendered and adjusted when the next succeeding meter reading is available.
- c. In the event, that any such actions or time required exceed fifteen (15) minutes, the cost to the Utility shall be assessed to the customer. The work performed by the Utility shall be billed at the hourly rate as established in **Schedule X** to be charged in 15-minute increments (rounded up) plus any materials. Charges shall be billed to the customer on their next routine bill. Payment shall be due and payable after receipt of invoices.

Rule 12 – Interruption to Service

The Utility will make a diligent effort to render uninterrupted service and supply of water. In cases where shut-off is necessary for repair, reconstruction, damage prevention or similar cause, the Utility will give advance notice to its customers of such scheduled shut-off. However, the Utility will not be responsible for any damage that may result from any cessation of services such as above outlined, nor for failure to give notice of shut-off when circumstances are such that it is impossible to give notice as stated above.

Rule 13 – Bills

All bills for irrigation service shall be paid as described in Schedule No. 1. Bills will be deemed received upon personal delivery to customer or three (3) days following the deposit of the bill in the United States mail to the customer's last known address.

Billing cycle for domestic water service shall be established at a later date.

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WATER SERVICE
RULES AND REGULATIONS

Rule 14 – Late Payment Charge

Bills are due and payable upon receipt. Bills are considered late fifteen (15) days (18 days if mailed from out of state) after the bill mailing date. A Late Payment Charge as specified in **Schedule X** of the unpaid balance shall be added to each account for each month the bill is unpaid. The late payment charge will not be applied to any disputed amount unless such amount remains unpaid for more than fifteen (15) days after the dispute has been resolved.

Rule 15 – Deposits

The Utility may require a deposit in situations when a customer is unable to establish or maintain credit with the Utility, or where a customer's service has been disconnected for nonpayment of amounts owed to the Utility as defined by Commission rules.

The deposit will not be more than an average two-twelfths (2/12) of estimated annual billing (for customers billed monthly).

When the Utility collects customer deposits, interest must be paid for each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury and published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. Interest is computed from the date of deposit to the date of refund or when applied directly to the customer's account.

The Utility must refund deposits plus accrued interest when there has been satisfactory payment, as defined by Commission rules or upon termination of service, less any amounts due to the Utility by the customer.

In addition, the Utility will comply with all provisions of the Commission's deposit rules pursuant to WACs for establishing credit and deposits for water utilities.

Rule 16 – Responsibility for Delinquent Accounts

A water Utility must not refuse or discontinue service to an applicant or customer when there are unpaid bills from a prior customer at the same premises unless the Utility believes, based on objective evidence, that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

A water Utility cannot permanently deny service to an applicant or customer because of a prior obligation to the Utility. A prior obligation is the dollar amount that has been billed to a customer but left unpaid at the time of disconnection of service for nonpayment.

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Rule 17 – Discontinuance of Service

The Utility reserves the right to discontinue service to its customers for:

1. Unpaid bills, as provided for in this tariff.
2. Water uses for purposes or properties other than those specified in the customer's application for service.
3. Willful waste of water through improper or defective piping, equipment, or otherwise.
4. Piping or equipment that does not meet the Utility's standards or fails to comply with other applicable codes and regulations.
5. Tampering with the Utility's property.
6. Vacating the premises.
7. Nonpayment of any proper charges, including deposit, as provided in this tariff.
8. Refusing to allow access as required in Commission Rules and this tariff.
9. Violating rules, service agreements, or effective tariffs, including violation of outdoor watering instructions given to customers in order to curtail water use during time of shortage.
10. Use of equipment that detrimentally affects the Utility's service to its other customers.
11. Service obtained by fraud.
12. Failure to comply with cross connection control requirements, backflow assembly testing and inspection.

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Rule 17 – Discontinuance of Service (cont'd)

Discontinuance of service by a customer - customer shall be required to give notice to the Utility of their intention to discontinue service.

Discontinuance of service by a Utility - The right to discontinue service may be exercised whenever and as often as any of the foregoing situations occur, and neither delay nor omission by the Utility to enforce this rule any time will be deemed a waiver of its right to discontinue service.

Utility shall not be liable for loss, damage, or claims that arise from or relate to the discontinuance of service as a result of any of the foregoing reasons described in the rule.

Required notice prior to disconnecting service: The Utility must serve a written disconnection notice on the customer, either by mail, or, at the Utility's option, by personal delivery of the notice to the customer's address, attached to the primary door.

A minimum of eight (8) business days' written notice will be given to a customer before service is discontinued, except in the case of danger to life or property. Before disconnecting service, the Utility must in addition to the first (1st) notice as described above, provide a second (2nd) notice by one of the two options listed below.

- a. Delivered notice - The Utility must deliver a second (2nd) notice to the customer and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than twenty-four (24) hours after the time of delivery that allows the customer until 5:00 p.m. of the following day to comply, or
- b. Mailed notice - The Utility must mail a second (2nd) notice, which must include a deadline for compliance that is no less than three (3) business days after the date of mailing if mailed from within the state of Washington.

Disconnection notice will expire after ten (10) business days from the first day that the Utility may disconnect service, unless other mutually agreed upon arrangements have been made and confirmed in writing by the Utility. If mutually accepted arrangements are not kept, the Utility may disconnect service without further notice.

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WATER SERVICE
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Rule 18 – Sprinkling and Irrigation

Water used for sprinkling and irrigation must be paid for at the regular prescribed tariff rates for such service. The hours for such use will be as prescribed from time to time by the Utility, subject to protest by any customer affected and reviewed by the Commission. During peak use months (June through September), and at such other times when demand may be high, the Utility may prohibit or limit sprinkling and irrigation. No person will use water for sprinkling or irrigation purposes during any fire in the area, and all sprinkling or irrigation must be stopped immediately when a fire alarm is sounded. Water use may resume three (3) hours after the fire has been extinguished.

Rule 19 – Rates

Rates for water service and supply are those published in the Utility's tariff on file with the Commission. Unless otherwise stated in this tariff, the rates apply to a single service, to one customer at one premise. Water service must be subscribed to on an annual basis. No proration or reduction in billing is allowed unless this tariff proscribes temporary or seasonal rates.

When conditions require that two or more consumers for domestic water service with separate housekeeping establishments occupy the same or separate dwellings, be supplied through a *non-metered service*, consumers using water through a single connection are considered a single customer and will be charged the base charge as provided by the schedule of rates for the non-metered rate.

When conditions require that two or more consumers for domestic water service with separate housekeeping establishments occupy the same or separate dwellings, be supplied through *one metered service*, consumers using water through a single connection are considered a single customer and will be charged the base charge as provided by the schedule of rates for the size of meter installed. If the consumption as shown by the meter exceeds the allowance or usage blocks for the size of the meter, the excess consumption charge will be computed at the regular rates for one customer for the size of meter installed.

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RULES AND REGULATIONS

Rule 20 – Account Set-Up Charge

An account set-up charge as specified in **Schedule X** will be made for each new account, temporary, seasonal reconnection, or change of account responsibility on an existing service. Such charge will be included in the initial billing to the customer. This charge includes the Utility dispatching an employee to establish a base meter reading. An account set-up charge does not apply to:

1. Installation of a new meter.
2. Owners or agents assuming temporary responsibility for service to vacant premises.

Rule 21 – Non-Sufficient Funds (NSF) Charge

Non-Sufficient Funds (NSF) charge as specified in **Schedule X** will be made for handling customer checks and other forms of payment that have been returned by the bank or other institution as NSF or account closed. This charge will be applied to the next billing to the customer.

Rule 22 – Cross Connection Control

The customer shall not permit the plumbing on their premises to be connected to any source of water supply other than the Utility's, or to any potential source of contamination, without first obtaining the Utility's written permission and meeting the Utility's cross connection control criteria. The customer shall assure that effective back-flow prevention measures are implemented to ensure continual protection of the water in the public water distribution system. Any back-flow prevention assembly deemed necessary by the Utility to prevent entry of contaminants to the public water system shall be installed at the customer's expense. Cross connection control program will be set out in a separate Schedule.

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Rule 23 – Limitations of Liability

The Utility’s liability, if any, for its gross negligence, willful misconduct, or violation of RCW 19.122 is not limited by this tariff. With respect to any other claim or suit by a customer or by any other party, for damages associated with the installation, provision, termination, maintenance, repair or restoration of service, the Utility’s liability, if any, shall not exceed an amount equal to the proportionate part of the monthly recurring charge for the service, for the period during which the service was affected.

There shall be no liability for consequential or incidental damages. The Utility clearly disclaims all warranties, stated or implied, except those specifically set forth in this tariff, including, but not limited to implied warranties of merchantability and fitness for a particular purpose.

The charge for services rendered under this tariff are expressly based on the limitations of damages and disclaimer of warranties set forth above.

Rule 24 – Unauthorized Use of Service

Where service has been disconnected, either through the request of the customer or through action of the Utility, and the service, which includes but is not limited to the saddle, curb stop, piping, meter setter, angle stop, check valve, meter has been locked, authorized service cannot be restored without the Utility first reinitiating service.

If service is restored by the unauthorized removal of the meter setter lock or tampering, the customer receiving the unauthorized service will be charged the current replacement cost of all damages to the Utility’s property and service, plus a Service Visit Charge for inspection of damages in accordance with **Rule 11** in this tariff.

In addition, the Utility will charge the customer, receiving unauthorized service, the tariff rate for all service that the Utility estimates was taken plus all of the Utility’s costs resulting from the unauthorized use and all applicable fees pursuant to WACs for discontinuing of service for water utilities.

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WATER SERVICE
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Rule 25 – Damage and Repairs Charge

The Utility shall be responsible for maintaining service boxes and their contents. It shall be the responsibility of the customer (including a Ready to Serve customer) to keep the area within three (3) feet of a fire hydrant clear from snow, trees, brush, weeds, growth, fences, or any other obstructions if a fire hydrant is located upon or adjacent to the customer's premise. If any customer or a customer's contractor causes damage to meter box, fire hydrant, pipes, mains or other equipment of the Utility's maintained infrastructure, the customer will be responsible for paying the damages and repairs. See also Rule 11.

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SERVICE AREA

Water System List

County: Benton

<u>System Name</u>	<u>DOH WFI #</u>

County: _____

<u>System Name</u>	<u>DOH WFI #</u>

County: _____

<u>System Name</u>	<u>DOH WFI #</u>

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SCHEDULE NO. 1
IRRIGATION RATE SERVICE

Availability

Within the limits of all Water Service Areas at the Utility's capability to maintain standards of quantity and quality for this type of water service.

Applicable

Applicable to irrigation customers served by the Utility.

Conditions

Charges for this service will be billed and paid annually. Bills to be sent out April 1st each year. Payments are due April 30th for a one-time payment or, at the customer's option, payments may be made on a semiannual basis with the first half due April 30th and the second half due July 31st.

Irrigation service to run April to October each year.

Monthly Charge

Rate

Base Fee per connection or customer annually.	\$343.24 base
Plus per acre usage charge prorated to reflect the actual size of the customer's lot, based on the county assessor records.	\$408.24 per acre

For new customers that begin service after April 1st of each year, the charges will be prorated based on the number of days of service beginning with the date of activation of service by the Utility.

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SCHEDULE NO. 3
READY-TO-SERVE (RTS) SERVICE

Availability

This schedule is available in all Water Service Areas served by the Utility and at Utility's option and capability to maintain Department of Ecology's standards of quantity and quality.

Applicable

To any property owner who has completed and signed a Water Service Application, paid all applicable fees required for meter service connection, and had a Water Service Application accepted in writing by the Utility and for whom the Utility has installed the direct connection from the water system to the applicant's property line. Applicable to any customer, where meters have not yet been installed.

This class of service is considered temporary.

Conditions

The charge for this service is not subject to cancellation or reduction for seasonal or temporary periods unless seasonal rates apply per this tariff. This charge will be the monthly minimum bill for this class of service. At the time water service begins, the customer shall be transferred to Schedule 2, Metered Service.

The Ready-to-Serve charge may be discontinued upon receiving a written request from the customer or for non-payment of the Ready-to-Serve charge. Termination of the charge will allow the Utility to remove the service line and/or connection. This disconnection or removal will allow the Utility to make that available service capacity to supply other connections on the water system.

After a service line and/or connection has been removed for discontinued service, future service to the property will require a new application for service, payment of service connection charges, and will be subject to the availability of service capacity at such time as the future application for service is made.

Monthly Charge

Rate

Each connection, Irrigation water.
Each connection, domestic water.

\$25.00/Month
TBD

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SCHEDULE NO. 4
SERVICE CONNECTION CHARGE

Availability

This schedule is available in all Water Service Areas served by the Utility and at Utility’s option and capability to maintain Department of Health’s standards of quantity and quality.

Applicable

Applies to all new applicants for properties not currently served and within the Commission Service Area (as defined in the tariff) for the Utility only when surplus system capacity is available, and a direct connection can be made to an existing main that has adequate hydraulic capacity.

Conditions

1. A charge will be made the first time a customer's service pipe, 3/4-inch or smaller, is connected from the Utility's main to the customer’s property line.
2. The Utility owns and maintains all materials involved in making a service connection.
3. The service connection charge must be paid before the water is turned on.
4. In addition, when it is necessary to cross an existing road (by boring or cutting) the cost of the crossing and road permit fees or other charges, will be in addition to the Service Connection Charge.
5. Service meter will be placed in a suitable meter box located at the customer’s property line, except when this is not practicable. The service meter will be installed upon the customer’s premises in some convenient location approved by the Utility where the service meter, will at all times, be accessible for reading, inspection, and testing. (See Rule 9 & 10)
6. Service Connections will be installed within seven (7) days from payment, unless prior arrangements in writing are agreed upon by both the customer and the Utility.
7. Any Service Connection larger than 3/4-inch service requires a ‘Labor and Material Contract.’

Connection Charge

Rate

Service Connection Charge (3/4-inch service setting or smaller)

TBD

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SCHEDULE NO. 5

Reserved for Future Use

Availability

This schedule is available in all Water Service Areas served by the Utility and at the Utility's option and capability to maintain Department of Ecology's standards of quantity and quality.

Applicable

Conditions

Charge

3/4-inch service or smaller

Rate

TBD

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SCHEDULE X

ANCILLARY CHARGES

Rule 5	Disconnection Visit Charge (per visit)	\$25.00
Rule 6	Reconnection Charge (per visit)	\$25.00
Rule 11	Service Visit Charge (Per Visit)	\$25.00
	Per Hour Charge	\$PP.PP
Rule 14	Late Payment Charge (whichever is greater) 2% of unpaid Balance or Minimum \$2.50, billed monthly	
Rule 20	Account Set-up Charge	\$20.00
Rule 21	NSF Charge (each check)	\$40.00
Rule 22	Water Availability Letter Charge	\$25.00
Rule 24	Backflow Assembly Testing and Inspection	\$PP.PP

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