

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SUN VALLEY WATER AND SEWER DISTRICT
RESOLUTION NO. 2014-01**

WHEREAS, the Sun Valley Water and Sewer District ("District") owns and operates a municipal water system ("Water System") and a central sewer system ("Sewer System"), serving property in and around the City of Sun Valley, Idaho; and

WHEREAS, the Water System is supplied exclusively from groundwater rights and wells authorized and administered by the Idaho Department of Water Resources ("IDWR"); and

WHEREAS, the District has been put on notice by IDWR to expect intermittent curtailments of its groundwater sources and wells during times of high water demand, normally occurring during summer months; and

WHEREAS, the District has implemented policies and procedures designed to reduce non-essential uses of its water supplies, including the establishment of increased pricing for irrigation water, metering of irrigation water to assist in the detection of excess usage, and restrictions on the maximum area of residential lots for which irrigation water will be provided from the Water System; and

WHEREAS, the Sewer System's treatment plant, which is owned jointly by the District and the City of Ketchum, has limited hydraulic and treatment capacity, the maximum beneficial use of which the District has sought to promote and protect through maintenance procedures and use policies designed to minimize the introduction into the Sewer System of non-wastewater influent; and which unnecessarily utilizes treatment plant capacity and negatively impacts sewage treatment efficiency; and

WHEREAS, the District has become aware of a number of existing non-contact, single-pass water-cooled air conditioning units for residential use ("Existing Non-Contact Units"), which are connected to the Water System and discharge into the Sewer System, thereby causing increased potable water demands, and the increased utilization of the limited capacity of the Sewer System from discharge water which, pursuant to the Idaho administrative code ("IDAPA") 58.01.16, section 010, does not qualify as "wastewater"; and

WHEREAS, the District believes that the proliferation of non-contact, single pass water cooled residential air conditioning units is likely to occur within its service area ("New Non-Contact Units"), particularly in view of persistent drought conditions and an apparent trend of increased summer temperature maximums; and

WHEREAS, after reviewing the potential of significant negative impacts to the Water System and Sewer System from New Non-Contact Units, and determining the ready availability of other means of air conditioning, the District, by and through its Board of Directors, pursuant to the powers vested in it by Idaho Code § 42-3212(h), desires by this Resolution to formally adopt regulations pertaining to all non-contact air conditioning units for residential application within its service area;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the following

regulations and restrictions shall hereafter apply to the installation and use of all residential Non-Contact Units now or hereafter connected to the District's Water System and/or Sewer System:

1. **Test Period.** This Resolution, and compliance of any Existing Non-Contact Units or New Non-Contact Units with the terms and conditions hereof shall entitle said units to continue to be operated with water service from the District during a test period conducted by the District over not less than two (2) years from the effective date hereof, at the conclusion of which said units may, pursuant to policies and procedures duly enacted by the District, be subject to further obligatory modifications and restrictions, including possible permanent disconnection of Existing Non-Contact Units from the District's municipal water supply system.

2. **New Non-Contact Units.** From and after the effective date of this Resolution, until and unless amended by the District to the contrary, New Non-Contact Units shall be permitted to connect to the Water System subject to compliance with the following requirements:

- a) New Non-Contact Units must be installed by a licensed plumber after obtaining a permit from the District, such permit to be based upon complete plans for the unit submitted to the District by the applicant for the permit, and the unit's subsequent installation in compliance with all terms and conditions of this Resolution.
- b) New Non-Contact Units must be connected to an irrigation water source and not to an in-house potable use source, and will consequently become inoperable if and when the irrigation water source to which it is connected is shut down.
- c) New Non-Contact Units must be connected to their water source in such a way that they will not be damaged when the irrigation water source piping is blown out with compressed air for winter season shut down.
- d) Connection of each New Non-Contact Unit to its irrigation water source shall occur downstream from that source's existing back-flow prevention valve and shall, for purposes of the District's billing for water delivered to the unit, be equipped with a remotely readable meter provided for, and connected by, the District at its expense. All charges for water delivered to the unit shall be at applicable irrigation water rates established by the District, and shall be billed to the owner of the unit.
- e) Water from New Non-Contact Units cannot be discharged into the District's sewer system. If the New Unit is not of a closed loop cooling system design, the water must be drained either into a surface irrigation system or a dry well.
- f) The District may inspect Non-Contact Units on a regular basis for compliance with the terms of this Resolution and may establish an inspection fee to be paid by the owners of the units to cover the costs of such inspections.

3. **Existing Units.** The continued use of any Non-Contact Unit which, as of the effective date of this Resolution, has been installed and connected to the Water System and/or Sewer System, and all future replacements thereof, are hereby approved and permitted provided that the owner thereof, prior to August 1, 2014, grants the District written permission, upon the District's request, to access said Unit for the purpose of retrofitting it, at the District's expense, with a water meter capable of being remotely read.

4. **Review of Impacts.** The District shall monitor water usage by Existing Units for a period of not less than two (2) years from the date hereof for the purpose of determining impacts on the District's Water System and Sewer System, at the conclusion of which the District may, as it deems appropriate, amend its policies and regulations herein established for Existing Non-Contact Units and New Non-Contact Units within its service area.

APPROVED this 19 day of MAY, 2014.

SUN VALLEY WATER AND SEWER DISTRICT

By: 
JAMES D. LOYD
CHAIRMAN

CERTIFICATION

The undersigned, EDWARD A. CUTTER, duly appointed and acting secretary of the Sun Valley Water and Sewer District, 49 Larry's Lane, Sun Valley, Idaho, 83353, hereby certifies that the foregoing resolution was duly adopted by its board of directors at a duly constituted meeting thereof held on the 19 day of May, 2014, and that the foregoing is a true and correct copy thereof.


DATED this 19th day of MAY, 2014.

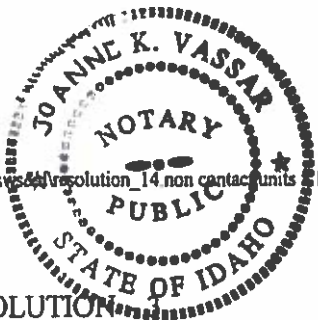

EDWARD A. CUTTER
Secretary

STATE OF IDAHO)
)ss.
County of Blaine)

On this 19 day of May, 2014, before me, a Notary Public, in and for said County and State, personally appeared James D. Loyd and Edward A. Cutter, known or identified to me to be the Chairman and Secretary, respectively, of the Sun Valley Water and Sewer District, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


NOTARY PUBLIC FOR IDAHO
Residing at: Halley, Idaho
My commission expires: 8/15/19


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RESOLUTION