

41-00616

AMENDMENT TO MCKAY ACRES IMPROVEMENT
DISTRICT LANDOWNERS' NOTICE OF AGREEMENTS
& COVENANTS MADE PURSUANT TO ORS 554.170-554.190

Section 6.1, 6.2, and 6.3 shall read as follows:

"6.0 Charges for Delivery of Water

6.1 All costs, direct and indirect, to deliver water through the District system shall be apportioned among and charged to Members equally. Such charges shall be determined, imposed and collected as the Board shall prescribe. The District shall direct each Member to install and maintain restrictors and/or meters and backflow prevention device assemblies as approved by the Board in order to determine and regulate the quantity and quality of water delivered to the Member's land. Any Member who does not comply with the aforesaid direction hereby consents to the District installing and maintaining restrictors or meters or backflow prevention device assemblies. If the District is required to install said equipment, the Members shall reimburse the District for the costs incurred.

6.2 Subject to the provisions contained in Section 6.1, the Board shall fix charges for the delivery of water on such basis as it deems fair and equitable.

6.2.1 The Board shall fix charges for the delivery of water in an amount estimated to produce revenues which will provide the funds necessary for (a) the expenses of maintenance and operation of the improvements of the District, and (b) such reserves as may be necessary or provided for by the bylaws. All such charges shall be allocated among the Members equally.

6.3 Liens created by the District shall be enforced in accordance with Oregon law for foreclosing construction liens."

The following new sections shall be added to Section 6 of the McKay Acres Improvement District Landowners' Notice of Agreements & Covenants.

6.4 CROSS CONNECTION CONTROL PROGRAM

6.4.1 Purpose. The purpose of this program is to protect the water supply of McKay Acres Improvement District from contamination or pollution due to any existing or potential cross connections.

6.4.2 Definitions.

(1) "Approved backflow prevention device" means a device to counteract back pressures or prevent backsiphonage. Any device installed by the Member or District acting on the Member's behalf must appear on the list of approved devices issued by the Oregon State Health Division.

(2) "Auxiliary supply" means any water source or system other than the District water system that may be available on the premises.

(3) "Backflow" means the flow in the direction opposite to the normal flow of the introduction of any foreign liquids, gases, or substances into the water system of the District's water.

(4) "District" shall mean McKay Acres Improvement District.

(5) "Contamination" means the entry into or presence in the District water supply system of any substance which may be deleterious to health and/or quality of the water.

(6) "Cross Connection" means any physical arrangement where the District water system is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

(7) "Degree of hazard" shall be derived from the evaluation of a health, system, plumbing or pollutional hazard.

(8) "Health hazard" means an actual or potential threat of contamination of a physical or toxic nature to the District's potable water system or the Members' potable water system that would be a danger to health.

(9) "Plumbing hazard" means an internal or plumbing-type cross-connection in a Member's potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems.

(10) "Pollutional hazard" means an actual or potential threat to the physical properties of the water system or the potability of the District or the Member's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

(11) "System hazard" means an actual or potential threat of severe danger to the physical properties of the District or Member's potable water system or of a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system.

(12) "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use.

(13) "Premises" means any piece of land to which water is provided by the District including all improvements, mobile home(s) and structures located on it.

(14) "Reduced pressure principle device" or "RP device" shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The device shall include properly located test cocks and tightly closing shut-off valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the Oregon State Health Division.

6.4.3 Cross Connections Regulated

No cross connections shall be created, installed, used or maintained within any property served by the District, except in accordance with this Amendment and the Landowners' Notice of Agreements & Covenants.

6.4.4 Backflow Prevention Assembly Requirements

(1) Approved backflow prevention device assembly shall be installed by the Members at every service connection served by the District. The type of assembly is regulated by the degree of hazard. The minimum requirement for a backflow device shall be a double-check assembly.

(2) The backflow prevention assembly shall be installed at the service connection between the service connection valve and the restrictor, and shall be inspected by a cross connection control inspector designated or approved by the District.

(3) Any mobile apparatus which uses District water or water from any premises within the District shall comply with all regulations of the District. Backflow prevention device assemblies will not provide protection at the point of water use within the Member's property and the Member is responsible for cross connection control within the said premises. Backflow prevention devices assemblies which are installed will eliminate the thermal expansion of hot water into the distribution system. Therefore, the Member is responsible for maintaining temperature and pressure relief valves within the premises' plumbing.

(4) A cross connection inspector designated by the District shall conduct the inspections. The inspection shall be carried out through each parcel of property within the District and the inspector will require a backflow prevention assembly commensurate with the degree of hazard.

6.4.5 Types of Actual or Potential Cross Connection Within the District

The District shall require a reduced pressure principle backflow prevention assembly to be installed at the service connection in the case of:

- (1) The existence of radiator flush kits attached to the premise plumbing; or
- (2) The use of any type of chemical spray attachment connected to the premise plumbing, including garden hose fertilizers and pesticide applicators.

6.4.6 Installation Requirements

To ensure proper operation and accessibility of all backflow prevention device assemblies, the

following requirements shall apply to the installation of these device assemblies:

(1) No part of the backflow prevention device shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.

(2) The device must be protected from freezing and other severe weather conditions by the Member.

(3) All backflow device prevention assemblies shall be of a type and model approved by the State of Oregon Health Division and the District.

(4) Only device assemblies specifically approved by the Oregon Health Division for vertical installation may be installed vertically.

(5) The device assembly shall be readily accessible with adequate room for maintenance and testing. Devices 2" and smaller shall have at least a 6" clearance on all sides of the device. All devices larger than 2" shall have a minimum clearance of 12" on the back side, 24" on the test cock side, 12" below the device assembly and 36" above the device assembly. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.

(6) RP device assemblies may be installed in a vault only if relief valve discharge can be drained to daylight through a "boresight" type drain. The drain shall be of adequate capacity to carry the full rated flow of the device and shall be screened on both ends.

(7) An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than 1."

(8) Upon completion of installation of any additional device assemblies within the premises, the District shall be notified and all devices must be inspected and tested. All backflow devices must be registered with the District. Registration shall consist of date of installation, make, model, size, serial number of the backflow device, location, and initial test report.

(9) Any water pressure drop caused by the installation of a backflow device is not the responsibility of the District.

(10) All new construction within the District shall have installed an approved backflow device assembly at the service connection as approved by the District and its inspector.

6.4.7 Access to Premises

The following will apply for premises where an approved backflow prevention device is not located at the service connection(s): Authorized District personnel shall have access during reasonable hours to the premises and within any building located thereon to which water is supplied to check on the degree of compliance of the backflow prevention devices. However, if any water user refuses access to the premises or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross connection inspector appointed by the District, a reduced pressure principle device will be required to be installed at the service connection on that premises.

6.4.8 Annual Testing and Repairs

All backflow device assemblies installed within the premises served by the District shall be tested immediately upon installation and at least annually thereafter by a state certified tested employed by the Member. All such devices found not functioning properly shall be promptly repaired or replaced at the expense of the Landowner. If any such device is not promptly repaired or replaced, the District may deny or discontinue water to the premises. All tests shall be done, with reports sent to the District, by the beginning of the irrigation season of each year.

6.4.9 Costs of Compliance

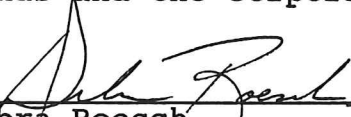
All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts and repairs of the backflow device assemblies are the financial responsibility of the Member.

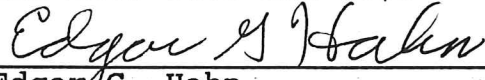
6.4.10 Installation

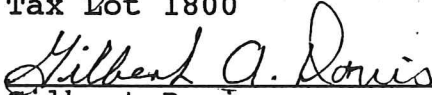
All backflow prevention device assemblies shall be installed no later than April 15, 1996.

EXHIBIT B

Signatures of Landowners representing two-thirds of the lands in the District and the persons having an interest in such lands and the Corporation and its creditors.


Debra Roesch
Tax Lots 1600 and 1700


Edgar G. Hahn
Tax Lot 1800

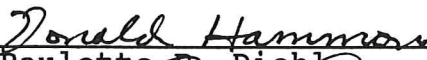

Gilbert Davis
Tax Lot 1900

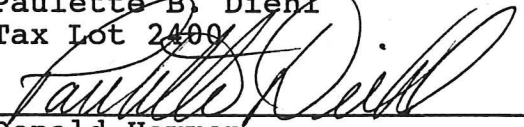
Gilbert G. Hamilton
Tax Lots 2000 and 3100

Colleen S. Hewes
Tax Lot 2100

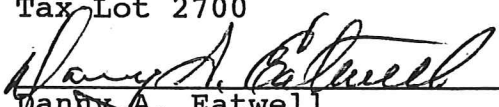
Rose Barnes Lenhart
Tax Lot 2200

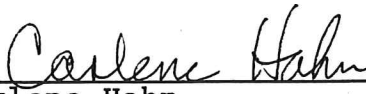
Debora Pettyjohn
Tax Lot 2300

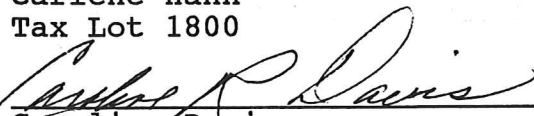

Paulette B. Diehl
Tax Lot 2400


Donald Hammon
Tax Lot 2500

Robert L. Edwards
Tax Lot 2700

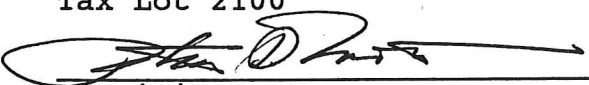

Danny A. Eatwell
Tax Lot 3000


Carlene Hahn
Tax Lot 1800


Caroline Davis
Tax Lot 1900

Reita J. Hamilton
Tax Lots 2000 and 3100

Bernard J. Hewes
Tax Lot 2100


Patricia D. Moreno
Tax Lot 2800

Wendy Pettyjohn
Tax Lot 2300


Joseph Diehl
Tax Lot 2400

Betty Hammon
Tax Lot 2500


Ardis Edwards
Tax Lot 2700


Shirley Eatwell
Tax Lot 3000

Gary B Nash
Gary B. Nash
Tax Lot 3200

Elizabeth M Nash
Elizabeth M. Nash
Tax Lot 3200

Ed Crawley
Ed Crawley
Tax Lot 3300

Henrietta Crawley
Henrietta Crawley
Tax Lot 3300

Floyd Holbrook
Floyd Holbrook
Tax Lot 3400

Pearl Holbrook
Pearl Holbrook
Tax Lot 3400

Berry Redfield
Berry Redfield
Tax Lot 3500

Carol A. Redfield
Carol A. Redfield
Tax Lot 3500

Cathryn L. Young
Cathryn L. Young
Tax Lot 3600

Blanche Collins
Blanche Collins
Tax Lot 3600

Randy P. Fitzgerald
Randy P. Fitzgerald
Tax Lot 3700

Lynne Fitzgerald
Lynne Fitzgerald
Tax Lot 3700

Michael J. Burcham
Michael J. Burcham
Tax Lot 3800

Myrna L. Burcham
Myrna L. Burcham
Tax Lot 3800

Roscoe L. Haugsted
Roscoe Haugsted
Tax Lot 3900

Patricia Haugsted
Patricia Haugsted
Tax Lot 3900

Tony L. Norris
Tony L. Norris
Tax Lot 4000

Peggy L. Norris
Peggy L. Norris
Tax Lot 4000

William F. Taylor
William F. Taylor
Tax Lot 4100

Karen A. Taylor
Karen A. Taylor
Tax Lot 4100

Ronald O'Connell
Ronald O'Connell
Tax Lot 4200

Penny O'Connell
Penny O'Connell
Tax Lot 4200

Charles F. Chasteen
Charles F. Chasteen
Tax Lot 4300

Sue Ann Chasteen
Sue Ann Chasteen
Tax Lot 4300

Terry L. Potratz
Terry L. Potratz
Tax Lot 4400

Sharrese D. Potratz
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