

**SKY COUNTRY ESTATES MUTUAL
DOMESTIC WATER CONSUMERS
ASSOCIATION**

(SCEMDWCA) ID # 6087604

**P.O. BOX 1594
CLOUDCROFT, NM 88317**

RULES AND REGULATIONS

JANUARY 1, 2023

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SKY COUNTRY ESTATES MUTUAL DOMESTIC WATER CONSUMERS
ASSOCIATION (SCEMDWCA)

Rules and Regulations January 1, 2023

These Rules and Regulations are issued in compliance with the Bylaws of the Sky Country Estates Mutual Domestic Water Consumers Association (SCEMDWCA) and are designed to govern the supplying and taking of services rendered by the Association. They can be changed from time to time by a majority vote of the Board of Directors.

Membership shall not be denied because of the applicant's race, color, creed, national origin or sex.

If a provision of the Rules and Regulations should conflict with a provision of the Bylaws, the Bylaw shall prevail. Hereafter the Sky Country Estates Mutual Domestic Water Consumers Association may be referred to as "SCEMDWCA" or "the Association" or "SKY COUNTRY ESTATES MDWCA".

Section 1. Membership / Water Service Application Process

- A. Application for Membership/Water Service -Owners. Water service will be available, subject to the availability of water. During construction of a new permanent residential structure, water service may be installed for that structure during the construction process. (5-23 amendment) All property owners wishing to obtain membership/water service from this Association must pay a non-refundable Membership Fee (see appendix A) and follow the Application Process described in Section 1, Para B, below. Payment of the Membership Fee entitles the owner to membership in the Association, and a Membership Certificate will be issued by the Association. There is only one membership per jointly owned property. One vote per membership. Proxies are accepted upon written or email notification to the Board. Becoming a member of the Sky Country Estates Mutual Domestic Water Consumers Association provides the member with ownership equally divided among all members in Sky Country Estates Mutual Domestic Water Consumers Association.
- B. Application Process: To obtain membership the applicant must contact the Sky Country Estates MDWCA Office to initiate the process. The phone number is 575-921-1020 The e-mail address to reach us is koch2nm@gmail.com. The applicant will complete the following forms:

- 1.) The Application Form. This form will be filled out to obtain membership and water service with the Association. It shall be turned in to the office with payment before water service will be considered. Payment of a non-refundable Membership Fee is required to initiate water service at a residence with an existing meter (see Appendix A).
- 2.) Water users including right of way/easement agreement (see appendix B). If a new property is being developed, a tap fee will be required to cover actual labor costs and materials for tapping into the water system and the meter installation and/or other applicable fees established by the Association. (See Appendix A: Fees and Penalty Schedule). This will be in addition to the Membership Fee. The Association may research proof of ownership from OTERO County Records to ensure accuracy of our records. This is not necessary to be able to get water, but necessary for our bookkeeping records. We cannot deny water to anyone who runs a pipe to Sky Country Estates Subdivision, pays all our tap and Membership fees and agrees to our water rates and billing, if we have enough water to service them.
- C. Approval of the Application: Upon submission of a completed Membership Application/Water Users Agreement (SCMDWCA Form 2), and payment of Membership fee, the Board will review and make its decision on accepting it. If the application is disapproved, the membership fee will be refunded. Once approved, the fee is non-refundable.
- D. Connection of Water Services: When all applicable fees, including any past unpaid assessments by Sky Country Estates Property Owners Association prior to 2023, (5-23 Amendment) have been paid in full and the application process has been completed and approved by the Board, a stamped Certificate of Membership (See appendix D Form 1) will be issued to the new member. If a tap is required, the tap and the meter will be placed by a certified operator. To initiate service, the owner will contact the Sky Country Estates MDWCA office. The office will complete the Beginning Water Service Work Order form with the beginning meter reading and the date service begins. This form will be given the water operator at the time he reads the meter and turns on or transfers the water service. Either the owner or his/her representative must be present at the time the water is turned on to check for leaks in the residence or on the property. There is no charge to turn on the water with the payment of the Membership Fee. If the owner chooses to turn off the water due to extended absences, the owner will pay a fee to turn the water back on (see Appendix A).
- E. Membership is nontransferable except in the case of a Members death in which case it will transfer to heirs.
- F. Proxy Voting. All proxy votes should be sent in writing by email or postal to the association secretary, assigning the person whom you have designated for a specific topic or general proxy for the entire meeting. Proxy shall be received 72 hours prior to the meeting.
- G. Special Provisions Relating to Election of the Board of Directors. Regular election of the Board of Directors by the Members Shall occur on the date of the annual meeting. In addition to the foregoing Notice provisions, not less than forty-five days before a

scheduled election, the Association shall deliver, in the manner prescribed by the By-Laws and Rules and Regulations, to each Member entitled to vote, a first notice of the date of the election. Any Member or other eligible person desiring to be a candidate for the Board of Directors shall give written notice to the Secretary not less than thirty days before a scheduled election. The Association shall then mail or deliver a second notice of the meeting, in the manner prescribed by the By-Laws and Rules and Regulations, to all Members entitled to vote therein, within fifteen days of the election, together with a ballot, which shall list all candidates.

Section 2. Water Service

- A. Water Service Ready to be Connected: Water service connection will be available when the property owner has completed the application process; the application has been approved by the association and all applicable fees have been paid in full, at which time a Certificate of Membership (Appendix D) will be issued to the new member and a metering facility will be placed by a certified operator. Violation of this policy will result in cancellation of membership and payment of any federal and/or state fines if the water system becomes contaminated. Tampering with drinking water facilities is a federal violation and can be prosecuted as a federal felony.
- B. Water Service Ready to Use- Minimum Charge: Water services shall be considered ready to use when the Association maintains the water supply at normal pressure at the point of delivery in readiness for the members' use. All members are subject to the minimum water charge so long as water is active whether or not the member makes use of it. Failure to pay the minimum water fees within the time allotted herein, and after due notification by the Association shall be grounds for a penalty and/or discontinued service. A member who is a part time resident may have their service locked and have it turned on upon their return to Sky Country Estates and payment of fees. All inactive water accounts will be locked until contact from the owner. This will allow the association to be informed regarding users present in the subdivision and those who are absent.
- C. Legal/Illegal Water Service Connections: Water service shall consist of facilities to supply water at normal operating pressure of the system to one residence at the meter. Water service is for the sole use of the member, his agents, or tenants at the location requested, and does not permit the transfer or cross-connection of water from any other source, or by any means to another dwelling. Multiple connections are prohibited by funding agencies and create a potential for contamination. Tampering with drinking water facilities is a federal felony. Additional water storage equipment must be approved by Sky Country Estates Mutual Domestic Water Consumers Association certified water operator. A representative of the Association shall have the right at all reasonable hours

to enter upon member's premises for the purpose of inspection and enforcement of this provision. A violation of this policy is grounds for a penalty specified below (see Penalties) or disconnection of service or both. A member may have more than one water service connection, as provided in the Association Bylaws. A representative of the association shall have the right at all reasonable hours, to enter upon member's premises for the purpose of inspection and enforcement of this provision. Violation of this provision is cause for disconnection of a member's water service. If a physical disconnect is required, the member will pay for all expenses incurred.

- D. Continuity of Service: The association will make all reasonable efforts to supply continuous, uninterrupted service; however, it shall have the right to interrupt service for the purpose of making repairs, connections, extensions, or for other necessary work. Efforts will be made to notify members who may be affected by such interruptions, but the Association will not accept responsibility for losses which might occur due to such necessary interruptions of service or shortage of water supply.
- E. Storage Tanks: Personal water storage tanks must be isolated from the water system to prevent cross contamination. The initial filling of a personal water storage tank on a residential property must be done from a water source other than SCEMDWCA and be at the expense of the property owner. The closest potable water hauling service is Oasis Enterprises in Alamogordo, NM. (5-23 Amendment)
- F. Swimming Pools: Sky Country Estates Mutual Domestic Water Consumers Association will not provide water for members swimming pools. Filling pools from the water system is strictly prohibited and will result in a \$5,000 fine to the member. (5-23 Amendment)

Section 3. The Meters

- A. Metering of Water Services: Water services will be metered to each existing structure that is occupied or shall be occupied within a month (30 days) or vacant land as approved by the Board of Directors. Several dwellings shall not be connected to one meter. Metering facilities shall be installed by the Association.
- B. Meters/Tampering: Meters and all necessary appurtenances shall be installed and maintained by the Association and shall be paid for by the member. Tampering with any water facilities is a violation of federal law and may be penalized by the Board or prosecuted in a court of law.
- C. Location of Meters: Meters shall be located and agreed upon jointly by the Board of Directors and the member. Should the location be within the member's property, he/she shall grant the association an easement of right of way and the right of ingress and egress to said property for the purpose of installing, reading, servicing, or removing the meter.

Membership certificates will not be granted to those who refuse to provide the required easement.

- D. Meter Accuracy: Service meters, where errors do not exceed two percent (2%) fast or slow, shall be considered as being within the allowable limits of accuracy for billing purposes.
- E. Meter Testing: Meter testing requested by members will be performed without cost to the member if the meter is found to be in error in excess of two percent (2%). Otherwise the member for whom the required testing was made will be charged for the cost of making the test.
- F. Meter Reading: Meters will be read by the association during the last five (5) business days of each month. If a meter cannot be read, the Association will bill the member for the average water used during the prior three (3) months until such time as adjustments can be made for actual water used.

Section 4. Billing and Payment of Water Service, Fees, and Assessments

- A. Payment of Water Service: Bills for water service are due and payable at the location determined by the Board of Directors on the 25th day of the month following the meter reading and become past due on the 5th day of the month following.
- B. Past Due Accounts: Past due payments are subject to a late fee specified in Appendix A. Failure to pay for water services will result in disconnection of service. Returned checks are subject to a fee set forth in Appendix A.
- C. Delinquent Accounts/Notification & Disconnection of Service: Members who fail to pay for water services, fees, assessments, and applicable penalties within thirty days (30 days) of the due date will be considered delinquent. All delinquent members will be notified by U.S. mail and/or telephone. The notification shall include the amount due and provide a date to comply. The date to comply should not be less than thirty (30) days from the date the notice is sent to the member. Failure to comply or pay as specified in the notice will result in water services being disconnected and applicable fees applied from Appendix A.
- D. Negotiating Monthly Payment Schedule (for members only): To avoid disconnection of services, the Board and the Member may negotiate a monthly payment schedule for the delinquent amount, provided that at the time of the agreement, the member shall pay an initial deposit of fifty per cent (50%) of the past due amount. If services are

disconnected, the Board and the Member may negotiate a monthly payment schedule for the delinquent amount. Services will be reinstated provided the member brings his/her account current and pays 3 months in advance at the base rate (See Appendix A).

E. Reconnection of Water Service. Any water service which has been disconnected due to a delinquent account or violation of rules and regulations, shall not be reconnected until the account has been paid current plus three (3) months Monthly Base Rate as a deposit (see Appendix A).

F. Cancellation of Membership: If a member is delinquent in paying for any water service, fees, or assessments for six (6) months, the Association reserves the right to disconnect water services and collect the unpaid amount either by lien on the property of the delinquent member and/or sending the bill to a collection agency.

G. Section 4 Time Line Example for Water Usage
May 20XX:

Meters read	May 26-31
Bills sent out by	June 5
Bills due	June 25
Bills past due	July 5 (for previous month's bill)
Bills become delinquent	July 30
Membership cancelled	January 30 (following year)

Section 5. Service Connections Beyond the System's Service Area

A. Extension of Water Mains for One Individual: Mains and service lines laid beyond the Association's existing water system will be installed to the Association's specifications and paid for by the individual applying for membership. Individuals are not authorized to add service lines to the water system. The individual must provide an easement to the system.

B. Extension of Water Mains for a Group of Individuals: In cases where a group of individuals is applying for membership, the Board will consider such extension provided the cost of such an extension does not cause hardship on the current membership. Mains and service lines laid beyond the Association's existing water system will be installed to

the Association's specifications and paid for by the landowners seeking membership. Landowners seeking membership into the Association shall provide any necessary easements should easements be necessary.

- C. Extension of Water mains not covered above: The Board of Directors may enter into special service contracts in cases where the applicant has unusual service requirements. However, in no case will the Association enter into such a contract before obtaining any applicable regulatory agency's review and approval of the contract.

Section 6. Employees

- A. **Employee Duties:** Because a state licensed operator is required to operate the water system and volunteers from the SCEMDWCA may not be available for clerical duties, it may be necessary for the mutual domestic to contract independent part time individuals to perform these duties. These personnel will be contract employees reporting directly to the Board of Directors and will serve at pay rates and hours determined by the board.

1. Licensed Operator: The licensed operator is the representative of the mutual domestic for all emergency requests of leak reporting, water outages, and any other short-term operations. This licensed operator should be capable of performing quick repairs but is not expected to handle major emergencies that must be performed by other more qualified personnel. The licensed operator will check, set, and perform minor maintenance on water meters, read meters monthly to determine water usage, pump water to storage tanks and generally supervise all operations of the mutual domestic in accordance with the SCEMDWCA Operations and Maintenance Manual. The operator is authorized to expend funds for individual items up to Fifteen Hundred Dollars (\$1500.00) and be reimbursed by the board. The operator additionally will comply with all applicable regulations for water quality and reporting including addition of additives to the water before delivery to members. The operator will additionally be expected to supervise the work of repairs to the water system to correct outages and delivery problems.

2. Clerical Support: Clerical support to convert meter readings to water usage, application of appropriate rates, bill determination, mailing of bills to members and their tenants, receipt of payment funds and deposit of these funds may not be available from volunteers. It may be necessary to use an individual contractor for these duties. This clerical contractor will work closely with the mutual domestic

treasurer to ensure proper accounting and reporting of all monies collected and deposited. Funds for clerical expenses will be pre-approved by the board.

- 3. Summary:** The above duties are flexible and will require close coordination between the Board of Directors and the contractor(s). They may be changed as needed by the mutual agreement of the board and the individual contractor. This also applies to hours and pay rates.

**Sky Country Estates Mutual Domestic Water Consumers
Association, Rules and Regulations, dated 01/01/2023 is hereby
amended and approved**

on this ____ day of _____, 2022.

President

Secretary

Association Seal

APPENDIX A

Fee and Penalty Schedule

SCEMDWCA Fee Schedule

Membership Fee \$1500.00

Current property owners' membership grandfathered in with no membership fee if property owner signs membership agreement at first membership signup in January 2023. All property not applying for membership by January 31, 2023, will have to pay the current membership fee at time of new application after January 2023.

Membership Debt Reduction Fee:

All members will be assessed a monthly debt reduction fee equal to the current debt monthly payment divided by the number of members. This fee will be added to the monthly billing. However, the new fiscal years first billing will also reflect the total amount to pay in full for the fiscal year.

New Water Service Including Meter (tap, meter, materials, and labor) \$1,500. A water tap installation with a meter will be installed after the building permit is submitted and accepted by the POA, and the homeowner is a current SCEMDWCA member. Once the water tap is installed a monthly administrative fee and water fee will be charged.

Water Service Turn On Fee for owners who need water service turned on (meter already installed) \$50.00.

Delinquent or Violation Reconnection: Bring Account Current. Deposit of 3 Months Current Base Rate (Refundable, applied to first three months billing).

Returned Check Fee \$50.00.

Late Payment Fee (added after the 25th of the billing month): A. (\$5.00 plus applicable Tax.)

Service Call: \$25.00 minimum.

Tampering Fee: \$250.00 First offense, \$500.00 each additional offense.

Cross Connection Prevention and Control Policy.

A. CCPCP Inspection Fee: \$50

Water Rate Fee: See Rate Schedule.

Note: All fees, except water rate fees, are exempt from gross receipts tax.

All fees are based on estimated operating costs, date operations begin, and are subject to change by a vote of the SCEMDWCA Board of Directors.

APPENDIX B

**SKY COUNTRY ESTATES MUTUAL DOMESTIC WATER
CONSUMERS ASSOCIATION
WATER SERVICE APPLICATION / WATER USERS
AGREEMENT
Homeowners**

LOT #_____

CERTIFICATE #_____

BILLING ACCOUNT #_____

This agreement entered into between the SKY COUNTRY ESTATES MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION, PO BOX 1594, CLOUDCROFT, NM 88317, a nonprofit corporation, hereinafter called the “Association,” and, _____, member(s) of the Association, here- in after called the “Applicant”.

WITNESSETH

Whereas, the Applicant desires to purchase water from the Association and to enter into a water users’ agreement as required by the Bylaws of the Association.

NOW THEREFORE, in consideration of the SKY COUNTRY ESTATES MDWCA Rules and Regulations promises and agreements herein contained, it is hereby understood and agreed by the parties hereto as follows:

The Association shall furnish water, subject to the limitation set out in its Bylaws and Rules and Regulations now in force or as hereafter amended:-

1. Commonly known as: _____(physical address)
2. Lot Number: _____
3. **Grant of Perpetual Easement.** (THIS EASEMENT ONLY APPLIES WHEN THE WATER SYSTEM GOES THROUGH THE APPLICANT’S PROPERTY and/or IF THE METER IS LOCATED INSIDE

THE APPLICANT'S PROPERTY). If the Applicant requests service from the Association where a public right-of-way does not exist for the water lines and appurtenant facilities, the Applicant agrees to grant the Association, its successors and assigns, a perpetual easement twenty (20) feet in width, if such width is available, for the installation of the pipeline and centered over said pipeline, or five (5) feet in diameter from the center of any water meter, over, under, and upon the above described land, with the right to locate, construct, install and lay and thereafter use, operate, inspect, repair, maintain, replace, and remove water pipelines, water meter and/or appurtenant facilities, with the rights of ingress to and egress from the member's property.

4. Location of Service Line.

- a.) The association shall purchase and install a water meter, cutoff valve, and a service line which shall begin at the water main line and extend to the property line. The Association shall have exclusive right to use such cutoff valve and water meter. The service line shall connect with the water main line of the Association at the nearest place of desired use by the Applicant, provided the Association has determined in advance that the system has sufficient capacity to permit delivery of water at that point.
- b.) The Applicant shall install and maintain at the Applicant's expense a service line which shall begin at the meter and extend to the dwelling or place of use. The service line shall connect to the Association's water meter. The Applicant also agrees to be fully responsible for the service line from the water meter to the home including the installation of an approved back-flow device or pressure regulator if required.
- c.) The Association shall have final authority in any question of location of any service line connection to its distribution/service or water main line; shall determine the allocation of water to Applicants in the event of a water shortage; and may shut off water to an Applicant who allows a connection or extension to be made to the Applicant's service line for the purpose of supplying water to another user. In the event the total water supply shall be insufficient to meet all of the needs of the Applicants, or in the event there is a shortage of water, the Association may prorate the water available among the various Applicants on such basis as is deemed equitable by the Board of Directors.

5. Co-mingling of Private Domestic Water Well with Association Water System. Co-mingling of private water well or any private water source with Association water system is strictly prohibited. The Applicant agrees that no other present or future source of water will be connected to any waterlines served by the Association's water- lines and will disconnect from his/her present water supply prior to connecting to and switching to the Association system.

6. Membership / Startup Fee / Connection Fee. The Applicant agrees to pay, upon signing of this Agreement, a one-time non-refundable membership/startup fee of \$1500.00 unless grandfathered, and a connection fee of \$1500.00 if required, in accordance with SCEMDWCA Rules and Regulations dated 1/1/2023.

7. The Applicant agrees to comply with and be bound by the Articles, Bylaws, Rules and Regulations of the Association, now in force, or as hereafter duly and legally supplemented, amended, or changed. The Applicant also agrees to pay for water at such rates, time, and place as shall be determined by the Association, and agrees to the imposition of such penalties for noncompliance as are now set out in the Association's Bylaws and Rules and Regulations, or which may be hereafter adopted and imposed by the Association.
8. **Payment.** The failure of an Applicant to pay water service charges duly imposed shall result in the automatic imposition of the penalties established in the Rules and Regulations of this Association, including:
- a.) Payment after the 25th day of the following month will be subject to a penalty of \$5.00.
 - b.) Nonpayment and / or no payment arrangements within a time specified in the Rules and Regulations will result in the water being shut off to the Applicant's property(ies) or a loss of membership privileges.
 - c.) In the event that it becomes necessary for the Association to shut off water to an Applicant's property(ies) for nonpayment, the Applicant agrees to bring his/her account current plus three (3) months deposit at base rate in advance in order to restore service.
 - d.) A returned check will result in a charge of fifty dollars (\$50.00).
 - e.) The Association will file a lien against the sale of the property in the event there are uncollectible fees.
9. Water charges to the Applicant shall commence on the date service is made available, regardless of whether the Applicant uses water. If the Applicant wishes to have the water turned off, the operator will turn off water and lock the meter. A fee of fifty dollars (\$50.00) along with an updated customer information sheet will be required to turn water on.

IN WITNESS THEREOF, we have executed this agreement this _____ day of
_____, 20_____

Applicant *(print name)* *(Signature)*

Applicant *(print name)* *(Signature)*

Mailing Address

Physical Address

Phone

SKY COUNTRY ESTATES MUTUAL DOMESTIC WATER CONSUMERS
ASSOCIATION

President *(print name)* *(Signature)*

Secretary *(print name)* *(Signature)*

(Association Seal)

For Association Use Only

Date accepted / approved _____

Comments:

APPENDIX C

Sky Country Estates MDWCA
Water Rate Schedule

Residential Water Rates Effective 7-1-2025
Rates Based on FY Budget Amounts
Subject to Change
Invoiced Monthly

Members Share of Administration Budget	Monthly Charge	\$11.17
Water Service Charge	Monthly Charge	\$45.51
Members with Admin and Water Service	Monthly Charge	\$56.68

New Mexico Gross Receipts Tax for Water Utilities of 5% added to monthly amount.

APPENDIX D

NUMBER 021	INCORPORATED UNDER THE LAWS OF THE STATE OF NEW MEXICO	Lot 40
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MEMBERSHIP CERTIFICATE

SAMPLE

This Certifies that Edward & Stephanie Koch is a Certificate holder of
a Not-for Profit Corporation organized under the Laws of the
State of New Mexico
 and is entitled to the full rights as more fully set forth in the Corporation's Articles
 of Incorporation, By-Laws and Regulations This Certificate is not transferable.

In Witness Whereof, the Corporation has caused this Certificate to be executed by its
 duly authorized officers and its corporate seal to be hereunto affixed this 1st day of
February 2023

President



Secretary

APPENDIX E

Amendments Approved by Board of Directors on and Dated May 10, 2023, to Sky Country Estates Mutual Domestic Water Consumers Association, Rules and Regulations, dated 01/01/2023.

Section 1, Membership / Water Service Application Process.

Under A: Application for Membership/Water Service -Owners. Inserted between first and second sentence: “To comply with Sky Country Estates Restrictive Covenants, water will be provided only to permanent residential structures. During construction of a new permanent residential structure, water service may be installed for that structure during the construction process.”

Under D: Connection of Water Services: Added to first sentence “including any past unpaid assessments by Sky Country Estates Property Owners Association prior to 2023,”

Section 2. Water Service.

Added E. Storage Tanks: Personal water storage tanks must be isolated from the water system to prevent cross contamination. The initial filling of a personal water storage tank on a residential property must be done from a water source other than SCEMDWCA and be at the expense of the property owner. The closest potable water hauling service is Oasis Enterprises in Alamogordo, NM.

Added F. Swimming Pools: Sky Country Estates Mutual Domestic Water Consumers Association will not provide water for members swimming pools. Filling pools from the water system is strictly prohibited and will result in a \$5,000 fine to the member.

Approved updated Rules and Regulations by unanimous vote by Board of Directors.

Amendments Approved by Board of Directors on and Dated June 11, 2025, to Sky Country Estates Mutual Domestic Water Consumers Association, Rules and Regulations, dated 01/01/2023.

Section 1, Membership / Water Service Application Process.

Added F and G

APPENDIX A

Fee and Penalty Schedule.

Added to New Water Service Including Meter (tap, meter, materials, and labor) \$1,500.

A water tap installation with a meter will be installed after the building permit is submitted and accepted by the POA, and the homeowner must be a current MDWCA member. Once the water tap is installed a monthly administrative fee and water fee will be charged.