

## OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT made on May 4, 2001 is between the Natural Resources conservation Service, United States Department of Agriculture, hereinafter referred to as NRCS, and the following organizations, hereinafter referred to as the Sponsors.

### Kiamichi Conservation District

The Sponsors and NRCS agree to carry out the terms of this agreement for the operation and maintenance of the practices in the State of Oklahoma. The practices covered by this agreement are identified as follows:

### Carney Creek Watershed, Floodwater Retarding Structure No. 1

#### I. GENERAL.

##### A. The Sponsors will:

1. Be responsible for operating and performing or having performed all needed maintenance of practices as determined by either NRCS or the sponsors, without cost to NRCS.
2. Obtain prior NRCS approval of all plans, designs, and specifications for maintenance work deviating from the O&M plan and of plans and specifications for any alterations to the structural practice.
3. Be responsible for the replacement of parts or portions of the practices which have a physical life of less duration than the evaluated life of the practices.
4. Prohibit the installation of any structure or facility that will interfere with the operation or maintenance of the practice.
5. Notify NRCS of any agreement to be entered into with other parties for the operation or maintenance of all or any part of the project practices, and provide NRCS with a copy of the agreement after it has been signed by the Sponsors and the other party.
6. Comply with the PROPERTY MANAGEMENT STANDARDS set forth in 7 CFR 3015.160-3015.175, and all applicable Federal, State and local laws.
7. Provide NRCS personnel the right of free access to the project practices at any reasonable time for the purposes of carrying out the terms of the agreement.

B. NRCS will:

1. Upon request of the sponsors and to the extent that its resources permit, provide consultative assistance in the operation, maintenance, and replacement of practices.

II. OPERATION AND MAINTENANCE PLAN (O & M PLAN).

An O&M plan for each practice included in the agreement is attached to and becomes a part of this agreement.

III. INSPECTIONS AND REPORTS.

A. The sponsors will inspect the practices as specified in the O&M plan.

B. NRCS or Federal land administering agency may inspect the practices at any reasonable time during the period covered by this agreement. At the discretion of the State Conservationist, NRCS personnel may assist the Sponsors in inspection.

C. A written report will be made of each inspection and provided to others as outlined in the O&M plan.

IV. TIME AND RESPONSIBILITY.

The Sponsors' responsibility for operation and maintenance begins when a practice is partially done or completed and accepted or is determined to be complete by NRCS. This responsibility shall continue until the expiration of the evaluated life of all the installed project practices. This does not relieve the Sponsors' liability which continues throughout the life of the measure or until the measure is modified to remove potential loss of life or property.

V. RECORDS.

The Sponsors will maintain in a centralized location a record of all inspections and significant actions taken, cost of performance and completion date with respect to operation and maintenance. NRCS may inspect these records at any reasonable time during the term of the agreement.

Name of Sponsor: Kiamichi Conservation District

By: *Thomas E. Crawford* Title: *Vice Chair*

This Action was authorized at an official meeting of the sponsor named immediately above on *May 4, 2001* at *Hugo Oklahoma*

Attest: *Jelaine K. Grange* Title: *Notary Public*  
*My Commission Expires 9/24/2004*

**Natural Resources Conservation Service**

By: *J. J. Dominick* *RL*

Title: State Conservationist

Date: *5/16/01*