

OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT MADE ON Jan 30, 1991 IS BETWEEN THE LINCOLN COUNTY CONSERVATION DISTRICT HEREINAFTER REFERRED TO AS THE SPONSOR, AND THE SOIL CONSERVATION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE, HEREINAFTER REFERRED TO AS SCS.

THE SPONSOR AND SCS 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:

DRY CREEK WATERSHED
FLOODWATER RETARDING STRUCTURES
NO. 2, 9, 11 - 17, 22 - 27, 29, 34, 36, 39, 42, 43, AND 45

I. GENERAL

A. THE SPONSOR WILL:

1. BE RESPONSIBLE FOR OPERATING AND PERFORMING OR HAVING PERFORMED ALL NEEDED MAINTENANCE OF PRACTICES, AS DETERMINED BY EITHER SCS OR THE SPONSOR, WITHOUT COST TO SCS.

2. OBTAIN PRIOR SCS APPROVAL OF ALL PLANS, DESIGNS, AND SPECIFICATIONS FOR MAINTENANCE WORK DEVIATING FROM THE O&M PLAN AND OF PLANS AND SPECIFICATIONS FOR ANY ALTERATION 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 EVALUATION LIFE OF THE PRACTICES.

4. PROHIBIT THE INSTALLATION OF ANY STRUCTURE OF FACILITY THAT WILL INTERFERE WITH THE OPERATION OR MAINTENANCE OF THE PRACTICES.

5. NOTIFY SCS 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 SCS 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 SCS 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. SCS WILL:

1. UPON REQUEST OF THE SPONSOR 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 THIS AGREEMENT IS ATTACHED TO AND BECOMES A PART OF THIS AGREEMENT.

III. INSPECTIONS AND REPORTS.

A. THE SPONSOR WILL INSPECT THE PRACTICES AS SPECIFIED IN THE O&M PLAN.

B. SCS 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, SCS PERSONNEL MAY ASSIST THE SPONSOR 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 SPONSOR'S RESPONSIBILITY FOR OPERATION AND MAINTENANCE BEGINS WHEN A PRACTICE IS PARTIALLY DONE OR COMPLETED AND ACCEPTED OR IS DETERMINED COMPLETE BY SCS. THIS RESPONSIBILITY SHALL CONTINUE UNTIL THE EXPIRATION OF THE EVALUATED LIFE OF ALL THE INSTALLED PROJECT PRACTICES. THIS DOES NOT RELIEVE THE SPONSOR'S 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 SPONSOR WILL MAINTAIN IN A CENTRALIZED LOCATION OF A RECORD OF ALL INSPECTIONS AND SIGNIFICANT ACTIONS TAKEN, COST OF PERFORMANCE AND COMPLETION DATE WITH RESPECT TO OPERATION AND MAINTENANCE. SCS MAY INSPECT THESE RECORDS AT ANY REASONABLE TIME DURING THE TERM OF THE AGREEMENT.

LINCOLN COUNTY CONSERVATION DISTRICT

BY: Albert Appell

TITLE: Chairman

THIS ACTION WAS AUTHORIZED AT AN OFFICIAL MEETING OF THE SPONSOR NAMED IMMEDIATELY ABOVE ON 12-13-90 AT Chandler, OKLAHOMA.

ATTEST: De Ann McEntire TITLE: Secretary

SOIL CONSERVATION SERVICE UNITED STATES DEPARTMENT OF AGRICULTURE

BY: C. David Stewart

TITLE: STATE CONSERVATIONIST

DATE: 1/30/91

ATTACHMENT