

OPERATION & MAINTENANCE AGREEMENT

SAMPLE ONLY (OFFICE USE ONLY)

***NOTE:** This is only an example of what is needed in an operation and maintenance agreement. This format may not meet the Assessor's recording requirements of a 3" top margin and 1" side and bottom margins. Additionally, this example may not fit your specific agreement needs. This information is provided to assist you in preparing an agreement. Also, note that the easements should be more comprehensive (i.e. easement for access to the well itself and an easement around the well for the pumphouse). It is recommended that legal advice be sought from an attorney when drafting an operation and maintenance agreement.*

OPERATION & MAINTENANCE AGREEMENT

This agreement made and entered into this __day of ____ 20__, by and between Sam S. Smith and Sally S. Smith, his wife hereinafter referred to as "Smith", and John J. Johns and Jane J. Jones, his wife, hereinafter referred to "Jones":

WITNESSETH: that

WHEREAS, Smith does hereby own the following described real property, to wit:

That portion of the east 500 feet of the Southeast Quarter of Section 7, Township 22 North, Range 7 E, described as follows: Beginning at the north quarter corner of Section 7, Township 22 North, Range 7 E; Thence south along the north-south quarter line a distance of 1000 feet.....to the true point of beginning.

and, WHEREAS, Jones does hereby own the following described real property, to wit:

That portion of the east 500 feet to the Southeast Quarter of Section 7, Township 22 North, Range 7E, described as follows: Beginning at the north quarter corner

and, WHEREAS, the parties hereto have installed a drilled well on the Smith Property at a point which is 50 feet east of the west line of said property and 125 feet north of the south boundary line of said property, and that the parties mentioned herein plan to install pressure tanks and necessary pumps.

WHEREAS, the parties hereto desire to enter into agreement to provide for the joint operation and maintenance of the well and water system described herein.

1. **OWNERSHIP OF THE WELL:** It is agreed by the parties that each of said parties shall be and is hereby granted an undivided one-half (1/2) interest in and to the use of the well and the water system to be constructed.....
2. **COST OF MAINTENANCE AND CONSTRUCTION:** Each party hereto agrees that they shall equally share the maintenance and operation costs of the well and water system. Both parties shall share equally in the cost of construction of the storage reservoir
3. **EASEMENTS:** Smith grants Jones an easement for the use and purpose of conveying water from the well of Smith to the property of Jones, on , over, across and underneath a strip of land ten feet in width, the center line of such strip beginning at said well and extending twenty-five feet to the Jones property.
- 4 **MAINTENANCE AND REPAIR OF PIPELINE:** Each party hereto agrees to be responsible for the maintenance and repair of that portion of the pipeline servicing their property.....
5. **RESTRICTION OF FURNISHING WATER TO ADDITIONAL PARTIES :** It is agreed by the parties that they shall not furnish water from the well to other persons without prior written consent of both parties.....
6. **HEIRS, SUCCESSORS AND ASSIGNS:** This agreement shall be binding upon the heirs, successors and assigns of both parties.
7. **SUBMISSION OF WATER SAMPLES:** Sam S. Smith will be the person responsible for the collection and submission of the required water samples to the Health Officer as outlined in Article III of the Thurston County Sanitary Code.
8. **PROVISION FOR CONTINUITY OF WATER SERVICE:** It is agreed that at such time the person responsible for operation and maintenance of said system no longer shall be in charge, written notification will be submitted to the Health Officer. This written notification shall contain the name, address and phone number of the new person responsible for operation and maintenance of the system.

(NOTARIZED SEAL AND STATEMENT AREA)

Person responsible for operation and maintenance:

NAME
ADDRESS:
PHONE# (home) _____ (work)