

MEMORANDUM OF UNDERSTANDING

Between

**East Culpepper Flats Domestic Water Consumers Association,
North Star Domestic Water Consumers Association (NSDWCA), Upper La
Plata Domestic Water Consumers' Association (ULPDWCA) and the County
of San Juan, New Mexico**

WHEREAS, the need exists within San Juan County for a domestic water line extension from the North Star Domestic Water Consumers Association (NSDWCA) to the Upper La Plata Domestic Water Consumers' Association to provide a regional water connection between the City of Aztec and the community of LaPlata, New Mexico, which, in part, would serve the East Culpepper Flats Domestic Water Consumers Association; and

WHEREAS, the East Culpepper Flats Domestic Water Consumers Association is submitting an application for funding to the New Mexico Finance Authority Water Trust Board to fund this regional connection; and

WHEREAS, The purpose of this Memorandum of Understanding is to confirm the agreements between the County of San Juan, East Culpepper Flats Domestic Water Consumers Association, North Star Domestic Water Consumers Association and the Upper La Plata Domestic Water consumers Association.

IT IS HEREBY AGREED as follows:

1. San Juan County agrees to serve as fiscal agent for funding that may be allocated under the New Mexico Finance Authority Water Trust Board application.
2. The East Culpepper Flats Domestic Water Consumers Association, North Star Domestic Water Consumers Association and the Upper La Plata Domestic Water Consumers Association agree to work together, as appropriate, to the completion of this project, including providing applicable information to allow for the development and purchase of services to complete the 574 RPC.
3. The North Star Domestic Water Consumers Association agrees to own, operate and maintain that portion of the water line that would lie within the boundaries of the North Star Domestic Water Consumers Association; the Upper La Plata Domestic Water Consumers Association agrees to own, operate and maintain that portion of the water line that would lie within the boundaries of the Upper La Plata Domestic Water Consumers Association; and the East Culpepper Flats Domestic Water Consumers Association agrees to own, operate and maintain that portion of the water line that would lie within the boundaries of the East Culpepper Flats Domestic Water Consumers Association.
4. The East Culpepper Flats Domestic Water Consumers Association, North Star Domestic Water Consumers Association and the Upper La Plata Domestic Water Consumers Association, agree to work with San Juan County to obtain any, and all, affected property right-of-ways.
5. The East Culpepper Flats Domestic Water Consumers Association, North Star Domestic Water Consumers Association and the Upper La Plata Domestic Water Consumers Association, through their representatives, will work in coordination with the County of San Juan in assisting with the administration and implementation of the planning, design and construction of a regional water line connection.

6. San Juan County agrees to maintain a strict accountability of all receipts and disbursements of funds on behalf of this project.
7. Each party hereto ("the indemnifying party") agrees to defend, hold harmless and indemnify the other party ("the indemnified party"), its officers, agents and employees, against any and all claims arising out of any asserted negligent act, error or omission of the indemnifying party which results in a claim against the indemnified party relating to this agreement.
8. This agreement shall become effective upon completion of signatures by all parties and shall terminate upon the completion of the project after all allocated funds have been expended and reimbursed to the fiscal agent.

North Star DWCA

By: *Loren V. Lovelle*
Board President

Date: 8/20/15

East Culpepper Flats DWCA

By: *Daniel Klein*
Board President

Date: 6/4/15

Upper La Plata DWCA

By: *Chad King*
Board President

Date: 7/21/15

San Juan County

By: *Keith Johns*
Keith Johns, Chairman
San Juan County Commission

Date: 5/6/15

ATTEST:

Debbie Holmes
Debbie Holmes, County Clerk

APPROVED AS TO FORM
SAN JUAN COUNTY ATTORNEY

BY: *pc*