Shivwits Band, agree that they shall grant and approve an easement on the Shivwits Reservation for the approximately 5.3 acre portion of the Ivins Reservoir that occupies tribal land, in accordance with 25 U.S.C. §§ 323-328 and 25 CFR Part 169 and this Agreement ("Ivins Reservoir Easement").

6.4.9 The Ivins Reservoir Easement shall be a permanent, exclusive easement held in the name of WCWCD and assignable (with Bureau of Indian Affairs approval, as required by law) to any successor operator of the Santa Clara Project that is selected pursuant to Section 7.1 of this Agreement.

6.4.10 Subject to the provisions of Subsection 6.4.12(c) below, the payment for the Ivins Reservoir Easement shall be $300.00 per year and shall be paid annually at the first of the year by Ivins Irrigation to the Shivwits Band.

6.4.11 The sole remedy for default with respect to the Ivins Reservoir Easement compensation provided for herein shall be an action for specific performance. WCWCD or any successor operator of the Santa Clara Project shall be liable for the easement payment in the event Ivins Irrigation is in default on the easement payment.

6.4.12 In addition to the above annual payment, as consideration for the Ivins Reservoir Easement, all Parties, including WCWCD and Ivins Irrigation agree as follows:

(a) The Ivins Reservoir will be operated as a multi-use facility. The primary purpose will be to facilitate the Santa Clara Project as provided for in this Agreement; the secondary purpose will be recreation purposes.

(b) The Shivwits Band, Ivins Irrigation, WCWCD, and the Town of Ivins shall jointly develop an Ivins Reservoir Recreation Plan contemporaneously with the development of the Santa Clara Project OMR&R Plan which accommodates recreational use and recreational development to the maximum extent possible while first meeting the requirements of the Santa Clara Project (the "Ivins Reservoir Recreation Plan").

(c) Subject to any limits stated in the Ivins Reservoir Recreation Plan, the Shivwits Band shall have full access to Ivins Reservoir and the adjacent shoreline for recreational