

It is expressly agreed by and between the parties hereto in consideration of this conveyance by first party to second party, that second party will at all times bear his pro rata share, based upon an annual operation and maintainer's assessment levied against the total irrigable acreage in all contracts, on an equal acreage basis of the cost of all work done and all services rendered and repairs required and made, and any and all expenses which may be incurred by first party in maintaining in good repair and in operating said diversion works and canals, that they will pay the same to said first party on written demand therefor; that the amount of such cost and expense shall as soon as an assessment therefore is made, become a lien and charge upon said hereinabove described land, and that in default of the payment of said amount to said first party, on demand as aforesaid, first party 30 days after date written demand is mailed to second party, may proceed by court action to foreclose said lien for the recovery of said amount of said assessment together with costs of said action, and the assessment when made shall be a lien upon said described land and the same shall be a perpetual charge thereon until paid, and be binding and enforceable against the owners of the legal, as well as the equitable title to said lands.

It is further agreed between the parties hereto, in addition to the foregoing covenants and as a further and additional remedy for enforcing payment of said pro rata share of said costs and expense, that in case of default of such payment, said first party shall upon the happening of such default have full power and right to cut off the supply of water from said land until all amounts due and owing on account of such assessment shall have been fully paid, provided; however, the exercise of such right and power shall in no degree lessen or impair the right of said first party to foreclose said lien for the recovery of the amount due or recover said amount in any legal proceeding for that purpose. An assessment after 30 days delinquent shall bear interest at 6 per cent per annum until paid.