Waiver of Separation Distance (IA Code 455B.131) Pertaining to an Earthen Animal Waste Storage Structure for Gerald Nadermann.

Iowa Code 455B.131 states that an earthen waste slurry storage basin shall be located at least one thousand two hundred fifty feet (1250 ft.) from a residence not owned by the owner of the feeding operation containing less than six hundred twenty-five thousand pounds live animal weight capacity.

A waiver of this separation distance may be granted as stated in Section 455B.134, subsection 3, paragraph e, subparagraph (2) of the Iowa Code. As stated:

"(2) A person may build or expand an anaerobic lagoon or an earthen waste slurry storage basin closer to a residence not owned by the owner of the anaerobic lagoon or to a public use area than is otherwise permitted by subparagraph (1) of this paragraph, of the affected landowners enter into a written agreement with the anaerobic lagoon owner to waive the separation distances under such terms the parties negotiate. The written agreement become effective only upon recording in the office of the recorder of deeds of the county in which the residence is located."

Gerald Nadermann of R.R. 1, Box 89, New Vienna, Iowa 52065, is planning to construct an earthen waste storage pond on his farm. The Nadermann farmstead is located in the NW 1/4, NW 1/4, Section 23, T.90N.-R.3W., Colony Township, Delaware County, Iowa. An earthen storage basin is planned to hold the manure from 45 dairy cattle for 160 days and approximately 250 head of hogs and lot runoff for 240 days.

The waste storage basin will be located in the SW corner of the farmstead adjacent to the feed floors of the dairy barn and hog house. The Nadermann house of residence is located approximately 300 feet northeasterly of the proposed basin. The earthen storage basin will be eleven feet deep with 2:1 sideslips. Bottom dimensions will be 34 feet by 66 feet and a top of 78 feet by 110 feet. Total required storage of the basin is 34,500 cubic feet. Upon completion of the constructed project a permanent fence shall be built to keep livestock and humans away from the waste storage basin.

Two neighboring residences of Patrick Steger and Randy Nefzger are located within the 1250 feet separation distances.

The closest residence within the separation distance is that of Patrick Steger farm, which is located in the NW corner of NE 1/4, NW 1/4, Section 23, T.90N.-R.3W., of Colony Township, Delaware County. The Steger residence is located approximately 1000 feet northeast of the proposed basin.

The second residence; that of Randy Nefzger's, is located approximately 1200 feet northwest of the basin site in the SW

FILE No. 177-2865
RECORDING FEE $ 10.00
TRANSFER FEE $
FILED FOR RECORD THE 6 DAY OF April, 1992 AT 12:53 O'CLOCK P M. BOOK 3 PAGE 37
STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, Recorder
Misc.

1/4, SW 1/4, Section 14, T.90N.-R.3W., Colony Township, Delaware County.

In accordance with Iowa Code 455B.134, subsection 3, paragraph e, subparagraph (2), we the undersigned agree to waive the separation distance of 1250 feet for the construction of an earthen animal waste storage basin on the Gerald Nadermann farm.

Patrick A. Steger 3-30-92
Patrick Steger Date

Randy J. Netzger 3/30/92
Randy Netzger Date

Gerald F. Nadermann 3-30-92
Gerald Nadermann Date

BARBARA J. STONE
MY COMMISSION EXPIRES
7/27/92
Barbara J. Stone 3/30/92

This agreement is only effective upon recording in the county recorders office in Delaware County, Iowa.

177-2865
DELAWARE COUNTY IOWA
FILED

'92 APR 6 PM 12 53

BOOK 3 PAGE 37
RECORDER
$10.00

PATRICK A. STEGER, ETAL

TO

GERALD F. NADERMANN

Gerald Nadermann
RR 1 Box 89
New Vienna, IA 52065