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DELAWARE COUNTY IOWA
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DEBORAH L. FEDON
DELAWARE CO. RECORDER
#11.00

Todd J. Locher, 202 2nd Avenue NW, Farley, IA 52046 319-744-3359

**Waiver of Separation Distance Requirements**

The Arthur T. Riniker Revocable Trust hereby makes a waiver of separation distance requirements in favor of K & K Dairy, Inc. as follows:

1. The Arthur T. Riniker Revocable Trust owns the following described real estate:

   The South half of the SE 1/4, Section 16, Township 90 North, Range 3 West of the 5th P.M., Delaware County, Iowa.

2. That K & K Dairy, Inc. owns real estate described as follows:

   The North half of the NE 1/4 of Section 21, Township 90 North, Range 3 West of the 5th P.M., Delaware County, Iowa.

3. That Iowa Code Section 455B.162 provides for minimum separation distances relating to animal feeding operation structures. Section 455B.162 provides that for an animal feeding operation of less than 1.6 million pounds of bovine, an animal feeding operation structure, including an earthen manure storage basin, the minimum separation distance is 1,250 feet from a residence not owned by the owner of the animal feeding operation. The Arthur T. Riniker Revocable Trust acknowledges that there exists a residence on the above described real estate owned by the Arthur T. Riniker Revocable Trust that is likely within the minimum separation distance as defined in Iowa Code Section 455B.162.

4. That the Arthur T. Riniker Revocable Trust hereby waives any minimum separation requirement as set forth in Iowa Code Section 455B.162 or elsewhere codified in the Code of Iowa or the Iowa Administrative Code as to the earthen manure storage basin, dairy barn or any other structure that houses livestock constructed by K & K Dairy, Inc. on its real estate described above.

5. That this waiver applies to the proposed earthen manure storage basin and any structures currently erected on the K & K Dairy, Inc. real estate described above. This waiver does not apply to any other structures that may be erected on the K & K Dairy, Inc. real estate described above.

6. That this waiver of minimum separation distance requirements is being made pursuant to Iowa Administrative Code Section 567-65.11(4)(455B).

Dated this 22nd day of December, 1998.

ARTHUR T. RINIKER REVOCABLE TRUST

By: Stella D. Helle Trustee
Stella D. Helle, Trustee

STATE OF IOWA )
) ss:
DUBUQUE COUNTY )

On this 22nd day of December, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Stella D. Helle, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that the person, as the fiduciary, executed the same as the voluntary act and deed of the person and of the fiduciary.

DANIEL G. TAUKE
MY COMMISSION EXPIRES
4-3-2001

Daniel G. Tauke, Notary Public