DELAWARE COUNTY IOWA
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DEBORAH FETTON
DELAWARE CO RECORDER
11.00

⊗ Dianne Baumgartner 1722 120th Ave Dundee, IA 52038 927-4040

Document of Right of Flowage

This agreement entered into this 12th day of April, 1999, by and between DELAWARE COUNTY SECONDARY ROADS and ALFRED AND FRANCIS HETTINGER, First Parties, and DIANNE L. BAUMGARTNER and RODNEY G. BAUMGARTNER, Second Parties.

WHEREAS. First Parties own the following described real estate located in Delaware County, Iowa , and legally described as follow

Commencing at the Southeast quarter of Section 8, Coffins Grove township, township 89
Range 6 west.
There is a county bridge located in between these two properties.

WHEREAS we will be constructing a dam, damming up a portion of the waterways on the Rieger Creek of this S.E. corner of WRP wetland area. The said dam may cause the water to backup to the Secondary Road and or to Alfred and Francis Hettinger tile in section 8,township 89,range 6W, in a 100 year flood.

NOW, THEREFORE, in consideration of One Dollar ($1.00) and other valuable consideration, receipt of which is hereby acknowledged by the First Parties, the parties agree as follows:

1. That First Parties hereby grant unto Second Parties, their heirs, successors and assigns, the rights of flowage to allow water from the dam located on the real estate owned by Second Parties to back up unto and overflow a portion of the real estate owned by First Parties.

2. Second Parties agree not to construct said dam in such a manner so that it causes First Parties' real estate to be constantly overflowed by water.

3. Said rights of flowage granted herein shall run with the land and be binding upon the First Parties , their heirs, successors and assigns.

In Witness Whereof the parties hereto sign their names on the day and the date first above written.

Del. Co. Secondary Roads, Brian Ridenour

Dianne L. Baumgartner
DIANNE L. BAUMGARTNER

Frances Hettinger
FRANCIS HETTINGER

Rodney G Baumgartner
RODNEY G. BAUMGARTNER

Alfred Hettinger
ALFRED HETTINGER

STATE OF IOWA
COUNTY OF DELAWARE )s.s:

On this 12th day of April, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian T. Ridenour, County Engineer Representing Del. Co. Secondary Roads, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

NOTARIAL SEAL IOWA
JoELLEN HOLTORF
MY COMMISSION EXPIRES
4-7-2002

JoEllen Holtorf
Notary Public in and for the State of Iowa

STATE OF IOWA
COUNTY OF DELAWARE ) s.s:

On this 16th day of April, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Rodney Baumgartner & Deone Baumgartner, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

NOTARIAL SEAL IOWA
JERRY BURKE
MY COMMISSION EXPIRES
03-19-00

Jerry Burke
Notary Public in and for the State of Iowa

STATE OF IOWA
COUNTY OF DELAWARE) s.s:

On this 20th day of April, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Alfred Hettinger Frances Hettinger, husband and wife, to me known to be the identical persons Named in and who executed the foregoing instrument and acknowledged that they Executed the same as their voluntary act and deed.

NOTARIAL SEAL IOWA
CATHY L. GREIF
MY COMMISSION EXPIRES
8-31-00

Cathy L Greif
Notary Public in and for the State of Iowa