DELAWARE COUNTY IOWA
FILED
2001 DE 20 PM 2:28
BOOK 2004 PAGE 604
DEBORAH L. RYON
DELAWARE CO. RECORDER
22.00

Prepared by (X) Kenneth R. DeKlotz - 20796 262nd St. Delhi, Ia 52223
Tele 563-922-2658

WATER AGREEMENT AND EASEMENT

IT IS HEREBY AGREED as follows:

1. Mark Thompson and Lenna Sue Thompson, husband and wife, are the owners of real property described as:

Lot 44 of Clair-View Acres, Northeast Quarter of Section 26, Township 88, Range 5 West of the 5th Principal Meridian, Delaware County, Iowa.

2. Jim Phelps and Susan Phelps, husband and wife are the owners of real property described as:

Lot 42 of Clair-View Acres, Northeast Quarter of Section 26, Township 88, Range 5 West of the 5th Principal Meridian, Delaware County, Iowa.

3. Kay George, owner of real property described as:

Lot 43 of Clair-View Acres, Northeast Quarter of Section 26, Township 88, Range 5 West of the 5th Principal Meridian, Delaware County, Iowa

4. R.W. McDowell and Linda I. McDowell, husband and wife are the owners of real property described as:

Lot 45 of Clair-View Acres, Northeast Quarter of Section 26, Township 88, Range 5 West of the 5th Principal Meridian, Delaware County, Iowa.

5. Kenneth R. DeKlotz and Barbara A. DeKlotz, husband and wife are the owners of real property described as:

Lot 46 of Clair-View Acres, Northeast Quarter of Section 26, Township 88, Range 5 West of the 5th Principal Meridian, Delaware County, Iowa.

6. Richard A. Stoffel and Julianna R. Stoffel, husband and wife, are the owners of real property described as:

Lot 47 of Clair-View Acres, Northeast Quarter of Section 26, Township 88, Range 5 West of the 5th Principal Meridian, Delaware County.

7. That there is drilled and constructed on Lot 44 of the above described property, a water well, which is a joint and common well top be used by all of the above parties or their grantees so as to provide water for domestic use to all the above described properties.
8. That each of the above property owners contributes a yearly amount determined by the 6 owners of the well to provide an operational water system for said properties.
9. Each of the parties grants to all of the other parties a non-exclusive easement over and across the above described property for the water well, holding tank, if any water lines and related equipment.
10. Any repair, maintenance and replacement for said water lines shall be the responsibility of the party or parties that said line services and borne by one-sixth of each of the property owners. If the repair of any water line necessitates digging on the property of any other party, then said property would be returned to the condition that it was prior to any repairs or replacements being made.
11. Lot 45 has agreed to provide electricity to the well for all pumping purposes, which relieves the well fund of the monthly meter costs. The well fund will reimburse the Lot 45 owner for power to pump water to the other 5 owners of the well - an amount to be determined by the owners. This amount could change as electrical rates increase or decrease.
12. Decisions on all the operation, maintenance and any other questions relating to the water well or water distribution system shall be decided by the affirmative vote of a majority of the above property owners with each property being entitled to one vote.
13. This agreement and Easement shall be binding upon all the heirs, administrators, executors, successors and assigns of the parties hereto, and shall continue until there is an agreement to mutually rescind it.
14. The owners of Lot 45 have installed a 1½ horse H.P. water pressure pump to accommodate their extra water draw from the well.

These conditions will run perpetual with all and/or any owners of Lot 45.

Mark Thompson

Lenna Sue Thompson

Jim Phelps

Susan Phelps

Kay George

R.W. McDowell

Linda I. McDowell

Kenneth DeKlotz

Barbara DeKlotz

Richard Stoffell

Julianna Stoffel

STATE OF IOWA )
) ss.
Dubuque COUNTY )

On this 20 day of JAN 2004 ~~2003~~ before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Mark Thompson and Lenna Sue Thompson, to me known to be the identical persons named in the who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

RHONDA C HEIM
COMMISSION NUMBER 159880
MY COMMISSION EXPIRES
3-14-2006

Notary Public in and for the
State of Iowa

STATE OF IOWA )
) ss.
Dubuque COUNTY )

On this 20 day of JAN 2004 ~~2003~~ before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Jim Phelps and Susan Phelps, to me known to be the identical persons named in the who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

RHONDA C HEIM
COMMISSION NUMBER 159880
MY COMMISSION EXPIRES
3-14-2006

Notary Public in and for the
State of Iowa

STATE OF IOWA )
) ss.
Dubuque COUNTY )

On this 24th day of Sept 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kay George, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

BLANCHE LARSON
Notarial Seal - IOWA
Commission No. 184988
My Commission Expires 6-5-05

Blanche Larson
Notary Public in and for
The State of Iowa

STATE OF IOWA )
) ss.
Delaware COUNTY )

On this 12th day of Oct 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared R.W. McDowell and Linda I. McDowell, 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
Lisa Baumgartner
COMMISSION NUMBER 176510
My Commission Expires
10-19-06

Lisa Baumgartner
Notary Public in and for
The State of Iowa

STATE OF IOWA )
) ss.
Delaware COUNTY )

On this 7th day of Oct. ~~2003~~ 2004, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Kenneth DeKlotz and Barbara DeKlotz, 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
LARRY R. MILLERS
Commission Number 00-4324
My Commission Expires
April 7, 2005

Notary Public in and for
The State of Iowa

STATE OF IOWA )
) ss.
Dubuque COUNTY )

On this 15 day of September ~~2003~~ 2004, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Richard Stoffel and Julianna Stoffel, 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
LINDA SOPPE
COMMISSION # 224812
MY COMMISSION EXPIRES
7-30-05

Linda Soppe
Notary Public in and for
The State of Iowa