Book 2006 Page 1884

Document 2006 1884 Type 06 006 Pages 3
Date 5/24/2006 Time 9:34 AM
Rec Amt $17.00

DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

Preparer Information: Werner Hellmer, 137 First Avenue East, P. O. Box 342, Dyersville, IA 52040, Phone: (563) 875-9733

WELL AGREEMENT

THIS AGREEMENT made by and between Christopher M. Aldrich and Angela L. Aldrich, husband and wife, hereinafter referred to as "Aldrich," and Mark A. Kruse and Rachel Kruse, husband and wife, hereinafter referred to as "Kruse," agree as follows:

1. That Aldrich are the owners of the following described real estate, to-wit:

   The East one hundred fifty (150) feet of the North seventeen (17) rods of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Thirty One (31), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

2. That Kruse are the owners of the following described real estate, to-wit:

   The North seventeen (17) rods of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Thirty One (31), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.; except for the East one hundred fifty feet thereof.

3. That Aldrich will cause to be drilled and installed a well on the Aldrich property described in paragraph 1 above, together with casing, pump, and engine used in connection therewith.

4. That both Kruse and Aldrich have agreed that the cost of said well, casing, pump and engine shall be borne by Aldrich along with the cost of installing, maintaining and replacing of said waterline to the adjoining boundary of the real estate described in paragraph 2 above.

5. That Aldrich, their heirs, successors and assigns, shall pay the expense from the well and the waterline to the Kruse hookup for maintenance, expenses, electricity, repair, drilling and/or reconstruction of the well, casing, pump, and engine, and for payment of electricity to run the well.

6. That Kruse will have the right to draw water from said well for agricultural livestock watering purposes only to provide for no more than seventy (70) head of mature cattle, plus calves.

7. That each of the parties hereto grant to the other party an easement for the purpose of water pipes to convey water from the well. That the owner of the tract being crossed for the benefit of another party shall have the input as to the location of the water pipes.

8. That this agreement shall be binding upon the parties hereto, until such time as Kruse sells, leases, or otherwise transfers any and all property interest in said real estate described in paragraph 2 above to anyone other than his parents and/or his children.

9. The water source/tank on the Kruse property will be at least 125 feet from the Kruse/Aldrich property line.

10. That neither Kruse nor Aldrich will guarantee the water from said well to be free of pollution, high bacteria count or other quality that may be detrimental to the health.

11. The rights and privileges and obligations created hereto may be assigned by Aldrich to their heirs, successors and assigns.

Dated: May 15, 2006

Christopher M. Aldrich

Angela L. Aldrich

Dated: May 23, 2006

Mark A. Kruse

Rachel Kruse

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this 15th day of May, 2006, before me a Notary Public in and for the State of Iowa, personally appeared CHRISTOPHER M. ALDRICH and ANGELA L. ALDRICH, husband and wife, to me known to be the 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
BETTE KUBOUSHEK
Commission Number 727004
My Commission Expires
Februarv 23, 2007

Bette Kubousheck
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this 23rd day of May, 2006, before me a Notary Public in and for the State of Iowa, personally appeared MARK A. KRUSE and RACHEL KRUSE, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Joanne Oberbroeckling
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
JOANNE OBERBROECKLING
Commission Number 108033
My Comm. Exp. 9/15/2006