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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

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Return: Michael Hunt, 2418 135th St. Greeley, IA 52050

PRIVATE POND WATER EASEMENT

THIS AGREEMENT is entered into by and between **Michael Hunt and Deborah Hunt (HUNTS); The Wilson Family Farm Trust, which has David Wilson, Maureen Wilson, and Nancy Karanovich as Trustees, (WILSONS); Nancy Appleton (APPLETON); and Merle and Judy Boeckenstedt (BOECKENSTEDTS);** who are all owners of real estate located in Delaware County, Iowa. This easement is as follows:

WHEREAS, HUNTS are owners of real estate located in Delaware County, Iowa, legally described as:

NE 1/4 of SE 1/4,
E 1/2 of SW 1/4,
W 1/2 of SE 1/4, and
W 1/2 of SE 1/4 of SE 1/4 of Section 21, Township 90 N, Range 4 West of the 5th P.M., in Delaware County, Iowa, together with and subject to all rights and easements of record.

WHEREAS, WILSONS are owners of the real estate located in Delaware County, Iowa, legally described as:

The South Half (S 1/2) of the South East Quarter (SE 1/4) of Section Twenty (20), and all of the North West Quarter (NW 1/4) of the South West Quarter (SW 1/4) of Section Twenty One (21) lying South (S) of the center line of the public highway crossing said forty easterly and westerly. Also all of the North East Quarter (NE 1/4) of the South East Quarter (SE l/4) of Section Twenty (20) lying South (S) of the center line of public highway running easterly and westerly across said forty. Also the North West Quarter (NW 1/4) of the South East Quarter (SE 1/4) of Section Twenty (20) excepting a piece of land commencing at the North West (NW) corner of said forty, thence South (S) Ten (10) rods, thence running East (E) Twenty (20) rods, thence South Easterly to a point Nineteen (19) rods South (s) of the North

East (NE) corner of said forty, thence North (N) to the North East (NE) corner of said forty, then West (W) along the North (N) line of said forty to place of beginning.

All of the above described land being in Township Ninety (90) North (N), Range Four (4) West of the 5th P.M. and containing 178 acres, more or less, less a parcel of land (0.2 acres, more or less) deeded to State of Iowa recorded 4-11-66 in Records of Delaware County in Book 85 at Page 180.

ALSO

The Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 21, Township 90 North, Range 4, West of the 5th P.M. in Delaware County, Iowa, containing 40 acres more or less. AND a piece of land described as commencing at the Northeast (NE) corner of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 20, running thence South 13 rods, thence West 20 rods, thence North 13 rods, thence East 20 rods to place of beginning, all in Section 28, Township 90 North Range 4 West of the 5th P.M. in Delaware County, Iowa.

WHEREAS, APPLETON is the owner of the real estate located in Delaware County, Iowa, legally described as:

Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) and the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), and the West One-half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-Eight (28), Township Ninety (90) North, Range Four (4), West of the Fifth P.M. SUBJECT TO EASEMENTS OF RECORD.

WHEREAS, BOECKENSTEDTS are owners of the real estate located in Delaware County, Iowa, legally described as:

That part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-nine (29), described as beginning in the center of street Two (2) rods South of Southeast corner of Lot Twenty-six (26), Greeley Iowa, running thence North 18½ rods, thence East 14 rods, thence North 10½ rods, thence East 11 rods 3½ feet, thence North 51 rods, thence East 32 rods to the Northwest corner of Northeast Quarter (NE 1/4) of Northeast Quarter (NE 1/4) of Section Twenty-nine (29), thence South 80 rods, thence West 57 rods to beginning, except that part described as commencing at a point 46 rods East from the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Twenty-nine (29), running thence South 24 rods, thence East 32 rods, thence North 24 rods, thence West 32 rods to place of beginning; and the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-eight (28) except 20 rods East and West by 13 rods North and South in Northeast corner of said Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4), and the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE

1/4) of Section Twenty-nine (29), all in Township Ninety (90) North, Range Four (4), West of the Fifth Principal Meridian, subject to highways and easements of record.

And the parties wish to enter into an agreement regarding ingress and egress and the back up and retention of water onto their respective properties from a pond being constructed on the above property currently owned by HUNTS.

It is the intent of WILSONS, APPLETON and BOECKENSTEDTS to allow the use of their land for the possible back up of water from the pond to be constructed and located on the HUNTS property. Said water may ingress and egress onto all properties listed herein, and it is the purpose of this easement to permanently allow said use by HUNTS, their heirs, successors, and assignees.

WILSONS, APPLETON and BOECKENSTEDTS grant HUNTS, their heirs, successors, and assignees, an easement right for water in the HUNTS pond to come onto and have access to the above-described properties as it may ingress and egress onto the above described land currently owned by WILSONS and APPLETON

WILSONS agree that up to Forty Percent (40%) of the pond can be on their property. WILSONS and HUNTS further agree that WILSONS will pay for up to Forty Percent (40%) of the cost of the pond, not paid for by the NATURAL RESOURCES CONSERVATION SERVICE.

APPLETON and HUNTS agree that there will be permanent standing water on the above legally described property currently owned by APPLETON.

BOECKENSTEDTS and HUNTS agree that after construction of the pond, there will be temporary standing water on the above legally described property currently owned by BOECKENSTEDTS.

HUNTS agree that except as otherwise stated in this instrument, they will incur all maintenance costs in the construction and expansion of said pond on their property, and also incur all costs associated with construction of the pond and costs associated with the water intruding upon that land, debris clean up, reseeding costs of grass, and fence repair. HUNTS further grant WILSONS, APPLETON, and BOECKENSTEDTS their heirs, successors, and assignees, an easement for access and use of the pond, once it is created.

In consideration for the granting of this easement, HUNTS will pay WILSONS, APPLETON and BOECKENSTEDTS the sum of One Dollar ($1.00) and other valuable consideration.

HUNTS will be responsible for the legal costs of preparing this agreement and the fee to record the agreement and any and all surveys, and their recording fees.

This agreement shall be binding on the undersigned parties, their heirs, assignees, and successors in interest, and shall be considered an agreement running with the land.

This agreement may be nullified only upon the written consent of all of the parties herein.

This agreement does not require HUNTS to actually construct the subject pond.

The diagram of the proposed easement area is attached hereto.

Dated this 30 day of 9, 2006.

Michael Hunt

David Wilson as Co-Trustee of The Wilson Family Farm Trust

Deborah Hunt

Maureen Wilson as Co-Trustee of The Wilson Family Farm Trust

Nancy Appleton

Nancy Kranevich as Co-Trustee of The Wilson Family Farm Trust

Merle Boeckenstedt

Judy Boeckenstedt

STATE OF IOWA)
) §
Delaware COUNTY)

On this 30th day of September 2006, before me, the undersigned, a notary public in and for said State, personally appeared Michael Hunt to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he did execute the same as his voluntary act and deed.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
2-26-08

Peggy A. Hildebrand
Notary Public

STATE OF IOWA)
) §
Polk COUNTY)

On this 23rd day of October, 2006, before me, the undersigned, a notary public in and for said State, personally appeared David Wilson as Co-Trustee of The Wilson Family Farm Trust to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he did execute the same as his voluntary act and deed.

JEFFREY S. JOHANNES
Commission Number 735840
My Commission Expires
Aug 2, 2008

Notary Public

STATE OF IOWA)
) §
Dubuque COUNTY)

On this 10 day of Oct., 2006, before me, the undersigned, a notary public in and for said State, personally appeared Deborah Hunt to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she did execute the same as her voluntary act and deed.

GLADYS K FELTON
Notarial Seal - Iowa
Commission # 150494
My Commission Expires 3/2/07

Gladys K. Felton
Notary Public

STATE OF IOWA)
) §
Polk COUNTY)

NOTARIAL SEAL IOWA
JEFFREY S. JOHNSON
Commission Number 735840
My Commission Expires
Aug 2, 2008

On this 23rd day of October, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Maureen Wilson as Co-Trustee of The Wilson Family Farm Trust to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she did execute the same as her voluntary act and deed.

Notary Public

STATE OF IOWA)
) §
Polk COUNTY)

NOTARIAL SEAL IOWA
JEFFREY S. JOHNSON
Commission Number 735840
My Commission Expires
Aug 2, 2008

On this 23rd day of October, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Nancy Karanovich as Co-Trustee of The Wilson Family Farm Trust to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he did execute the same as his voluntary act and deed.

Notary Public

STATE OF IOWA)
) §
Dubuque COUNTY)

On this 13th day of October, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Nancy Appleton to me known to be the

identical person named in and who executed the foregoing instrument and acknowledged that she did execute the same as her voluntary act and deed.

GLADYS K FELTON
Notarial Seal - Iowa
Commission # 150494
My Commission Expires 3/2/07

Gladys Felton
Notary Public

STATE OF IOWA)
) §
Delaware COUNTY)

On this 30th day of September, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Merle Boeckenstedt to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he did execute the same as his voluntary act and deed.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-20-06

Peggy A. Hildebrand
Notary Public

STATE OF IOWA)
) §
Delaware COUNTY)

On this 30th day of September 2006, before me, the undersigned, a notary public in and for said State, personally appeared Judy Boeckenstedt to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she did execute the same as her voluntary act and deed.

Peggy A. Hildebrand
Notary Public

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-20-06