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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

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WELL USAGE AGREEMENT

This Well Usage Agreement is entered into on this 11th day of August, 2015 by and between Dudley E. Brollier and Claudia Brollier, husband and wife (hereinafter "Parties of the First Part") and Clark D. Brollier and Jacklyn Brollier, husband and wife (hereinafter "Parties of the Second Part").

WHEREAS, the Parties of the First Part are the owners and titleholders in fee simple of the following described parcel of real estate located in Delaware County, Iowa (hereinafter "Parcel JJ"):

> PARCEL JJ, PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, containing a total of 3.31 acres, more or less, subject to easements of record, and more particularly described by metes and bounds as follows:
>
> COMMENCING at the Southeast Corner of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-five (25), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, also being the Northeast Corner of Lot 1 of Turtle Creek Heights, as recorded in Book 2 of Plats, Page 190 in the Office of the Delaware County Recorder, and being the Southwest Corner of Parcel U, as recorded in Book 8 of Plats, Page 121 in the Office of the Delaware County Recorder;
>
> THENCE along the Westerly Line of said Parcel U, North 01°47'01" West, 263.42 feet to the POINT OF BEGINNING;
>
> THENCE North 88°40'42" West, to the centerline of the Maquoketa River, 544.96 feet, more or less;

THENCE along the centerline of the Maquoketa River, North 11°32'42" West, 218.88 feet, more or less;

THENCE North 78°27'18" East, to the Southwest Corner of Lot 1A of Hartwick Lake Club West Subdivision, as recorded in Book 2001, Page 2940 in the Office of the Delaware County Recorder, being on the Interstate Power Survey Line, 234.17 feet, more or less;

THENCE along the Southerly Line of said Lot 1A, South 88°16'12" East, to the Southeast Corner of said Lot 1A, being on the Westerly Line of Parcel S, as recorded in Book 8 of Plats, Page 121 in the Office of the Delaware County Recorder, 351.15 feet;

THENCE along the Westerly Line of said Parcel S and said Parcel U, South 01°47'01" East, 263.42 feet to the POINT OF BEGINNING;

Containing a total of 3.31 acres, more or less, and subject to easements of record.

The Southerly Line of Lot 1A of Hartwick Lake Club West Subdivision, as recorded in Book 2001, Page 2940 in the Office of the Delaware County Recorder, is assumed to bear South 88°16'12" East.

WHEREAS, there is a water well located on the above described Parcel JJ owned by the Parties of the First Part; and

WHEREAS, the Parties of the Second Part are owners and titleholders in fee simple of the following described parcel of real estate located in Delaware County, Iowa (hereinafter "Parcel II"):

PARCEL II, PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, containing a total of 3.17 acres, more or less, subject to easements of record, and more particularly described by metes and bounds as follows:

BEGINNING at the Southeast Corner of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-Five (25), Township Eighty-Eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, also being the Northeast Corner of Lot 1 of Turtle Creek Heights, as recorded in Book 2 of Plats, Page 190 in the Office of the Delaware County Recorder, and being the Southwest Corner of Parcel U, as recorded in Book 8 of Plats, Page 121 in the Office of the Delaware County Recorder;

THENCE along the Northerly Line of said Lot 1 and Westerly extension thereof, North 89°35'45" West, 226.79 feet, more or less;

THENCE along a line perpendicular to the centerline of the Maquoketa River, North 87°45'09" West, to the centerline of the Maquoketa River, 272.60 feet, more or less;

THENCE along the centerline of the Maquoketa River, North 11°32'42" West, 269.01 feet, more or less;

THENCE South 88°40'42" East, to the Westerly Line of said Parcel U, 544.96 feet, more or less;

THENCE along the Westerly Line of said Parcel U, South 01°47'01" East, 263.42 feet to the POINT OF BEGINNING;

Containing a total of 3.17 acres, more or less and subject to easements of record.

The Southerly Line of Lot 1A of Hartwick Lake Club West Subdivision, as recorded in Book 2001, Page 2940 in the Office of the Delaware County Recorder, is assumed to bear South 88°16'12" East.

WHEREAS, the Parties of the Second Part desire to use as a part of their ownership of Parcell II the water well located on the above described Parcel JJ owned by the Parties of the First Part and the Parties of the First Part are willing to allow the Parties of the Second Part full usage of the water well located on Parcel JJ.

IT IS THEREFORE AGREED by and between the Parties of the First Part and the Parties of the Second Part:

1. That the Parties of the Second Part, as owners of Parcel II and for their benefit as owners of Parcel II, shall have full right of access to and usage of the water well located on Parcel JJ as owned by the Parties of the First Part.

2. That the Parties of the First Part and the Parties of the Second Part shall share equally in any and all costs associated with the maintenance and usage of the water well located on Parcel JJ.

3. That the rights and obligations set forth in this Water Usage Agreement shall inure to the benefit of and shall be binding upon all successors, assigns and heirs of the Parties of the First Part and Parties of the Second Part, as owners of Parcel JJ and Parcel II respectively.

Dudley E. Brollier

Claudia Brollier

STATE OF IOWA)
)ss
COUNTY OF Polk)

This Instrument was acknowledged before me on 9/9/2015, ~~2015~~ by Dudley E. Brollier and Claudia Brollier, husband and wife.

Marcia Woodke
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
MARCIA WOODKE
Commission Number 788433
My Commission Expires
2/13/18

Clark D. Brollier

Clark D. Brollier

Jacklyn Brollier

Jacklyn Brollier

STATE OF IOWA)
)ss
COUNTY OF Black Hawk)

This Instrument was acknowledged before me on August 11, 2015 by Clark D. Brollier and Jacklyn Brollier, husband and wife.

Debra K. Cunningham

Notary Public in and for the State of Iowa

DEBRA K. CUNNINGHAM
COMMISSION NO. 741903
MY COMMISSION EXPIRES