Book 2017 Page 1759
Document 2017 1759 Type 03 006 Pages 2
Date 6/28/2017 Time 3:29:42PM
Rec Amt $12.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and Return to: Steven A Uhlenkamp 1138 220th Ave, Edgewood, IA 52042 563-920-3362

Easement for Allowing Temporary Water Above Permanent Storage Level of a Dike

An agreement made between the **Grantor**, Kathleen E Funke, and the **Grantee**, Steven A Uhlenkamp, concerning possible temporary flooding on the Grantor's property due to the construction of a water storage basin on the **Grantee's** property.

1st Party: Steven A Uhlenkamp, owner of part of NW ¼ and S ½ of NW ¼ of Section 7, T90N, R4W, Elk Township, Delaware County, State of Iowa

2nd Party: Kathleen E Funke, owner of part of S ½ of NW ¼, and N ½ of SW ¼ of Section 7, T90N, R4W, Elk Township, Delaware County, State of Iowa

It is the desire of the 1st Party to build a water retention basin on his property by building a dike on his property. All designed permanent water storage will be solely on his own property. However, during heavy rainfall events and for a temporary period after these events until the basin draws down to its permanent elevation of 1101.6, the water may back onto the property, including any subsurface drainage, of the 2nd Party to an elevation of 1108.2, the elevation of the emergency spillway. The 2nd Party also acknowledges that the top of the dam will have an elevation of 1110.2. **(See attached map for the extent of these elevations.)**
Therefore, the 2nd Party grants to the 1st Party a perpetual, non-exclusive easement allowing for temporary flooding on the **Grantor's** property specific to this water storage structure only. **Grantor** retains ownership of the land subject to the easement granted herein, and may continue to use the same for any and all purposes that do not interfere with the **Grantee's** easement rights. **Grantor's** direct descendants shall be allowed use of the pond. **Grantee** will be solely responsible for the maintenance and repair of dike and water storage area, and improvements made on the **Grantee's** property. If the storage basin causes the **Grantor's** tile main to not function properly beyond what is considered the temporary period, the **Grantee** will bear the cost of re-locating the tile main outlet so that it does drain adequately.

This agreement will be binding upon the heirs, assigns, and successors-in-interest and/or titles to the agreed parties. Dated this 27th day of June, 2017.

Steven A Uhlenkamp

Kathleen E Funke

State of Iowa, Delaware County ss:

This instrument was acknowledged before me on the 27th day of June, 2017.

Notary Public In and For Said State

AMY L. KELCHEN
Commission Number 731916
My Commission Expires
12-7-19

Easement Map for Temporary water

Date: 5/24/2017

Customer(s): STEVEN A UHLENKAMP

District: DELAWARE SOIL & WATER CONSERVATION DISTRICT

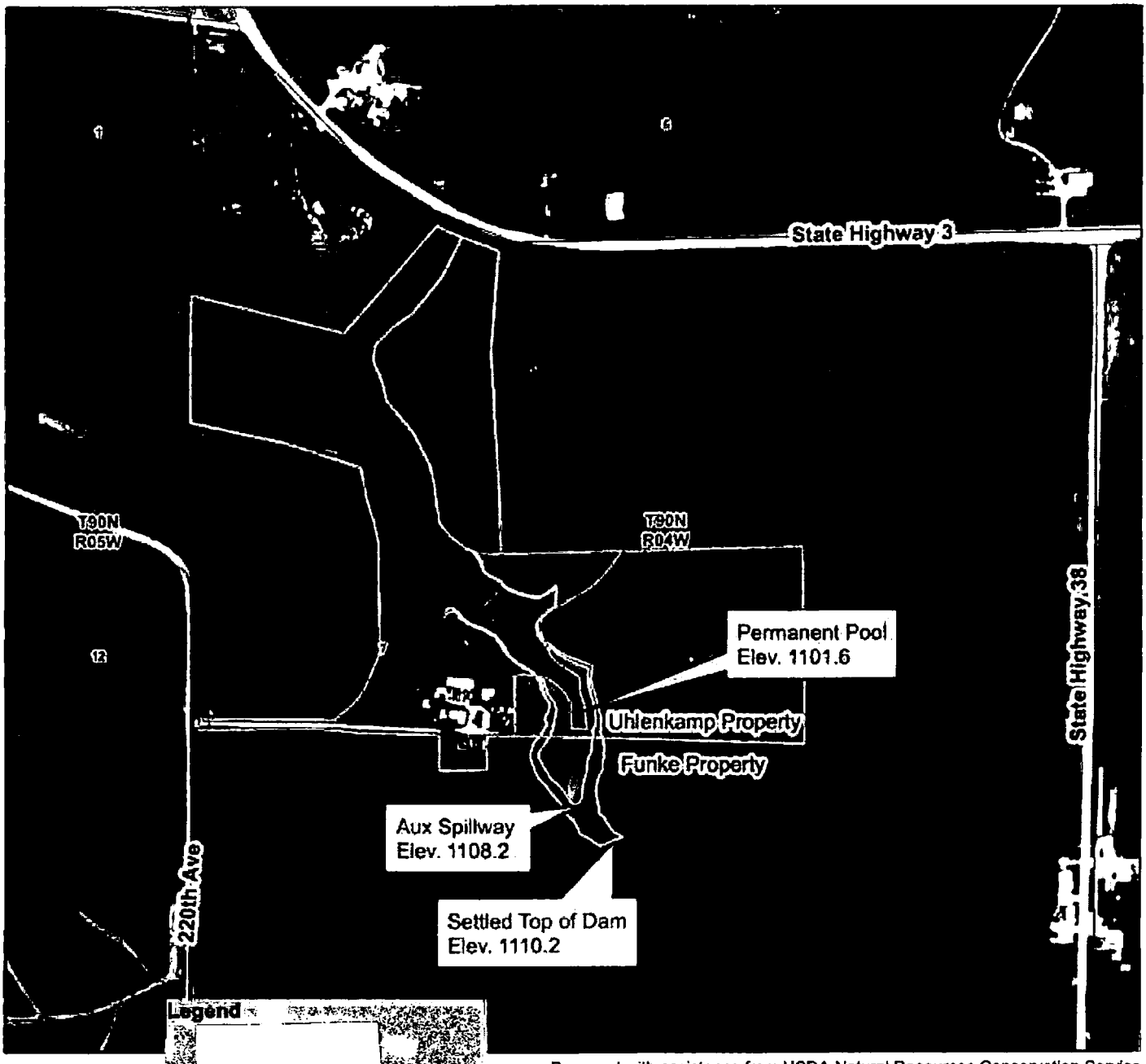
Field Office: MANCHESTER SERVICE CENTER

Agency: USDA-NRCS

Assisted By: Kenneth Klein

State and County: IA, Delaware County, Iowa

Legal Description: Section 7, Elk Township, T90N R4W



Prepared with assistance from USDA-Natural Resources Conservation Service