

prepared by: Wayne Shafer - Howe Dairy PO Box 267 Winterset IA 50273
Return to: Madison Co SWCD PO Box 267 Winterset IA 50273

MADISON COUNTY
SOIL & WATER CONSERVATION DISTRICT
P.O. BOX 267
WINTERSET, IA 50273
PHONE: 515-462-2961
FAX: 515-462-4569

Document 2008 2490
Book 2008 Page 2490 Type 06 017 Pages 2
Date 8/12/2008 Time 10:24 AM
Rec Amt \$22.00
✓ INDX
ANNO
SCAN
CHEK

August 5, 2008

LISA SMITH, COUNTY RECORDER
MADISON IOWA

**Badger Creek Watershed
Site 30-3**

In accordance with the easement agreement between Sponsors, the Madison County Soil and Water Conservation District and the Madison County Board of Supervisors, and the Grantor(s) of Badger Creek Watershed Site 30-3, land use changes or site modifications that directly affect the integrity of the structure fall under the jurisdiction of the Sponsors.

Site 30-3 – Floodwater retention structure located in the Northeast ¼ of Section 21, T77N-R26W of the 5th P.M.

Sponsors have agreed to honor your request with the following stipulations.

- The roadway design will need approval by the Madison County Engineer.
- A "miscellaneous obstruction" permit review by the IDNR.
- No direct connection, modification or obstruction of the principle spillway pipe will be allowed.
- Anodes for cathodic protection will need to be preserved, maintained and/or relocated.
- Water inundation will be allowed on the back toe of the embankment, not to exceed 24 hours in duration.
- The auxiliary spillway will be kept free of all obstructions.
- The Badger Creek Watershed Subdistrict and all associated Soil and Water Conservation Districts will remove themselves from all liabilities, property and personal.

The above stipulations are required to protect public investment, enhance public safety and guarantee the intended flood water function of Site 30-3. Failure to achieve above stipulations will void the Sponsor's approval. Restoration will be at the landowner's expense.

Ted Grauer agree to abide by the preceding stipulations set forth by the
Ted Grauer (Grantor)

Sponsors, (grantees).

Tim Palmer
Madison Co. SWCD, Sponsor (Grantee)

Keith Sparks
Madison Co. SWCD, Sponsor (Grantee)

Dan Ryner
Madison Co. SWCD, Sponsor (Grantee)

Darrell Dean Jamison
Madison Co. SWCD, Sponsor (Grantee)

Tim Armstrong
Madison Co. SWCD, Sponsor (Grantee)

Mark Wuecke
Madison Co. Supervisor (Grantee)

Joan Acela
Madison Co. Supervisor (Grantee)

Joan Acela
Madison Co. Supervisor (Grantee)

Certificate of Acknowledgement

State of Iowa, County of Madison

Joan Welch
Madison Co.
Winter St Ia 50273

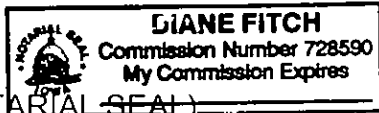


On this 05 day of August, 2008, A.D., before me, a Notary Public, personally appeared

Tim Palmer, Keith Sparks and Darrell Jamison, Dan Ryner and Tim Armstrong, to me

known to be the person(s) named in and who executed the foregoing instrument and acknowledged

that they executed the same as their voluntary act and deed.



(NOTARIAL SEAL)
My commission expires: 5/21/08

Dianne Fitch
Notary Public in and for said county

COMMISSIONERS

KEITH SPARKS * DAN RYNER * DARRELL JAMISON * TIM PALMER * TIM ARMSTRONG

Equal Opportunity Employer