

COMPUTER ✓
RECORDED ✓
COMPARED ✓

FILED NO. 324
BOOK 134 PAGE 495
95 AUG -3 PM 3:07

REC \$ 475
AUD \$ 100
R.M.F. \$ 100

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF)
EASEMENT RIGHTS IN AGRICULTURAL LAND)
BY WARREN WATER DISTRICT TO) SHERIFF'S FILING OF RECORD
CONSTRUCT, OPERATE AND MAINTAIN)
A WATER DISTRIBUTION SYSTEM)
IN MADISON COUNTY, IOWA)

RE: PHASE III

PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)

PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO: MICHELLE UTSLER, MADISON COUNTY RECORDER:

PLEASE FIND ATTACHED THE FOLLOWING PAPERS REGARDING THE ABOVE NAMED CONDEMNATION WHICH WAS HELD IN MY OFFICE OF THE 6TH DAY OF JUNE, 1995 :

A CERTIFIED COPY OF THE APPLICATION FOR CONDEMNATION;
ALL NOTICES, TOGETHER WITH ALL RETURNS OF SERVICE ENDORSED ON THE RETURNS OR ATTACHED TO THE RETURNS;
THE REPORT OF THE COMMISSIONERS;
ALL OTHER PAPERS FILED WITH THE SHERIFF IN THE PROCEEDINGS.

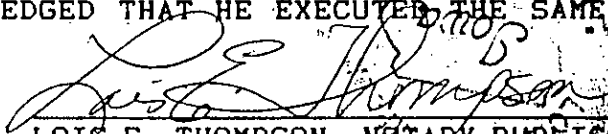
I FURTHER CERTIFY THAT NO AWARD WAS MADE AND NO WARRANTS RECEIVED BY THE MADISON COUNTY SHERIFF

THIS APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER ON THE 2ND DAY OF MAY, 1995, IN BOOK NUMBER 134 PAGE(S) 295.


SHERIFF
MADISON COUNTY, IOWA

STATE OF IOWA)
) SS
MADISON COUNTY)

ON THIS 21ST DAY OF JULY, 1995, BEFORE ME, NOTARY PUBLIC IN THE STATE OF IOWA, PERSONALLY APPEARED PAUL D. WELCH, SHERIFF TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS VOLUNTARY ACT AND DEED.


LOIS E. THOMPSON, NOTARY PUBLIC
IN AND FOR THE STATE OF IOWA
MY COMMISSION EXPIRES OCTOBER 15, 1996

12

IN THE MATTER OF THE CONDEMNATION
EASEMENT RIGHTS IN AGRICULTURAL LANDS
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
JUN - 7 1995
BY

FILED NO. 2807
BOOK 134 PAGE 295
95 MAY -2 AM 10:48
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

RE: PHASE III;

Parcel M-0137-A - (NE 1/4 NW 1/4 17-74-26)
Parcel M-0137-B - (NW 1/4 NW 1/4 17-74-26)

REC \$ 40.00
AUDS
R.M.F. \$ 1.00

COMPUTER ✓
RECORDED ✓
COMPARED ✓

**CERTIFICATION OF APPROVAL
OF APPLICATION BY CHIEF JUDGE**

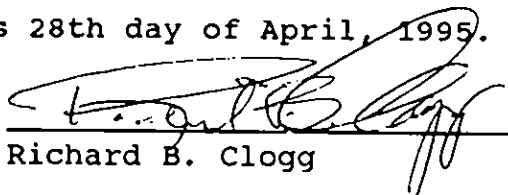
STATE OF IOWA, COUNTY OF WARREN: ss.

I, the undersigned, pursuant to the provisions of § 6B.3(7) of the Code of Iowa, 1995, being first duly sworn on oath, depose and state that I am attorney for Warren Water District, Applicant in the above-captioned condemnation proceeding and that I make the following certifications upon the direction of and on behalf of the Applicant.

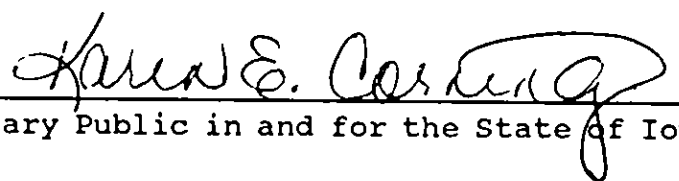
I hereby certify that attached hereto is the original Application by Warren Water District which was filed with the Honorable Richard D. Morr, Chief Judge of the Fifth Judicial District of Iowa, which includes Madison County, Iowa, on the 26th day of April, 1995, at his office in Des Moines, Iowa and that said Application has been approved by the said Chief Judge. I further certify that the statements accompanying the attached are true.


I further certify that the original approved application is filed with the Madison County Recorder in the manner required under § 6B.37, Code of Iowa, all pursuant to § 6B.3(7), Code of Iowa, to constitute constructive notice to all parties that a proceeding to condemn the property is pending and that the Applicant has the right to acquire the property.

Dated at Indianola, Iowa, this 28th day of April, 1995.


Richard B. Clogg

Subscribed and sworn to before me by Richard B. Clogg this 28th day of April, 1995.


Notary Public in and for the State of Iowa


KAREN E. CORNING
NOTARY PUBLIC
IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,

RE: PHASE III;

Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)

APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE
OF THE FIFTH JUDICIAL DISTRICT AND
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE RICHARD D. MORR, Chief Judge of the Fifth Judicial
District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the
"Applicant" or "District", a rural water district incorporated and
organized pursuant to the provisions of Chapter 357A of the Code of
Iowa, and pursuant to § 6B.3, Code of Iowa (1995), states:

1. Applicant, Warren Water District is a rural water
district incorporated and organized pursuant to the provisions of
Chapter 357A of the Code of Iowa, with its principal place of
business at 708 North Avenue, Norwalk, Iowa 50211, and is
authorized to make this application under the provisions of
§357A.11(5) of the Code of Iowa (1995).

2. The Applicant seeks to acquire, by the process of eminent
domain, permanent and perpetual easements on, under, across and
through the real estate hereinafter set forth to erect, construct,
install, lay and thereafter use, operate, inspect, repair,
maintain, replace and remove water lines and appurtenances thereto.
Applicant shall have the right of ingress to and egress from said
strip of land across the described tract for these purposes. The
owners and other affected persons may continue to use and enjoy the
grounds within the easement areas, but subject to Applicant's
rights as set forth above; provided, however, that no building,
structure or other improvement shall be constructed upon the
easement strip which would directly interfere with Applicant's
rights hereby acquired, including access to the easement strip and
the safe operation of its water lines.

3. The purpose for which the condemnation is sought is an
easement for water lines for water distribution purposes over and
across the described real estate, said water distribution system to
serve residents of Warren County and Madison County, Iowa.

-2-

4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:

- (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
- (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to re-clear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
- (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.
- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be replaced by Applicant with tile of comparable quality.

5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.

6. That said land described in Exhibit "A" is agricultural property.

7. Exhibit "B" attached hereto, and by this reference made a part hereof, is a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.

8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.

9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

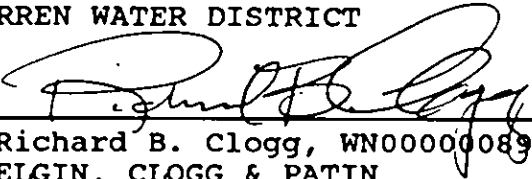
10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1995) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

WARREN WATER DISTRICT

By


Richard B. Clogg, WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of April, 1995.



CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

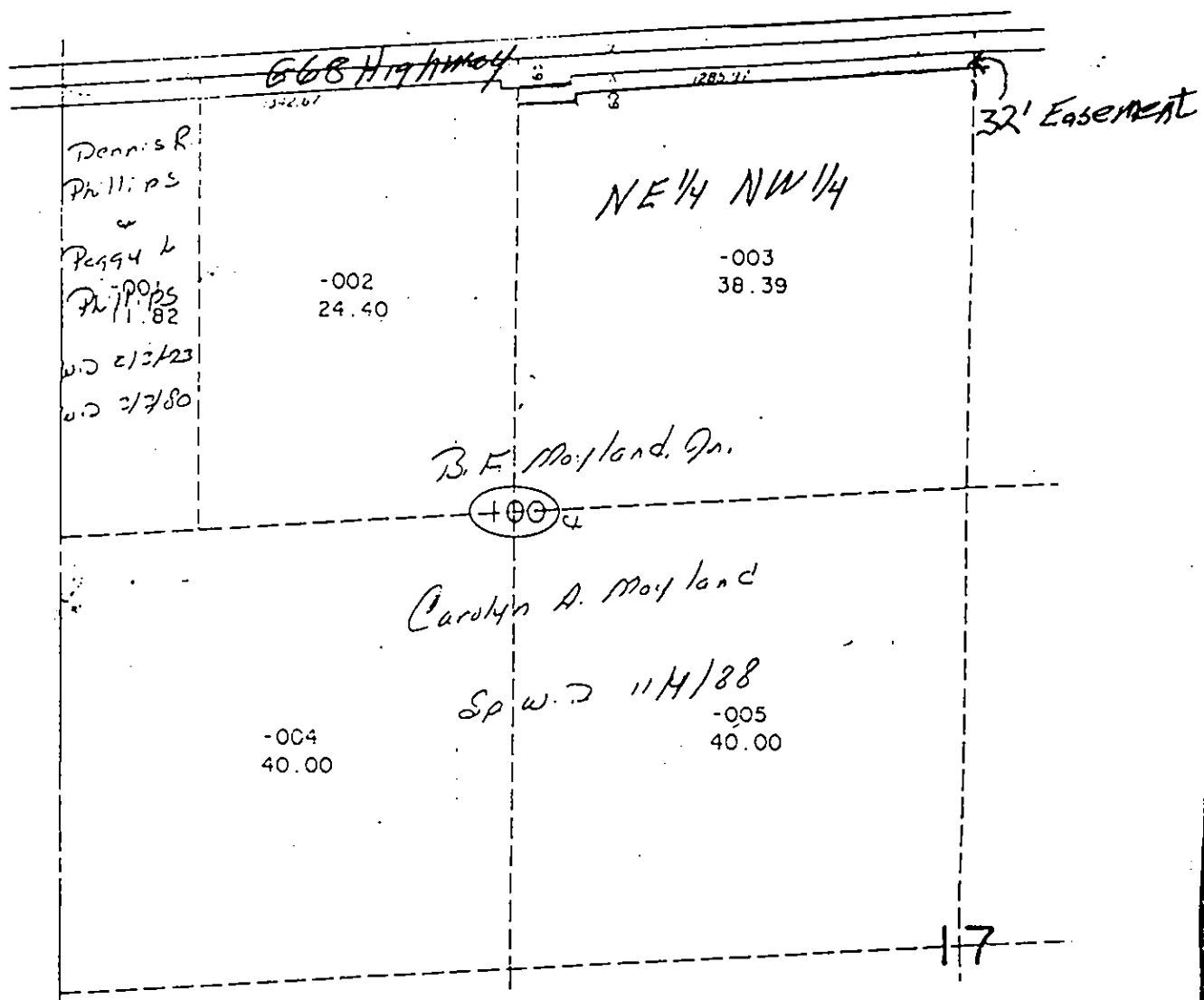
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW $\frac{1}{4}$ 17-74-26



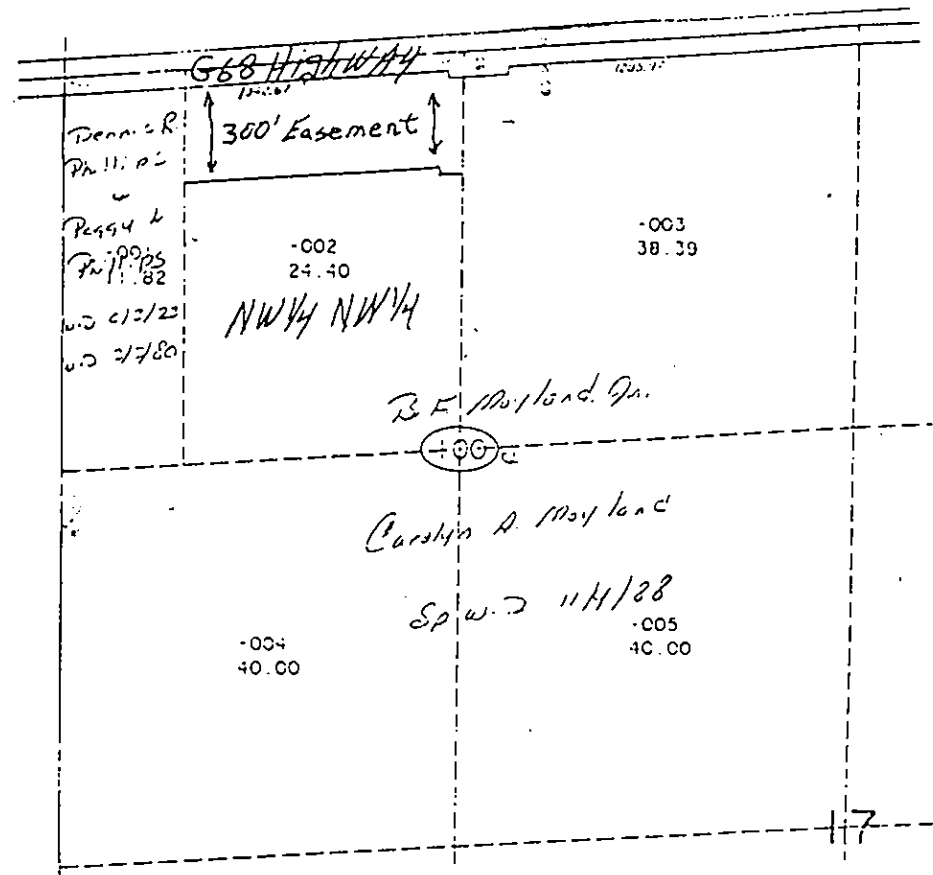
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW $\frac{1}{4}$ 17-74-26



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owners:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

Parcel No. M-0137-B - NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owner:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

3

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IA
PHASE III

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT

Madison County

An Application and Notice of Condemnation having been filed with me by Warren Water District for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Don Noack	Booneville	LICENSED REAL ESTATE BROKERS/SALESPERSON
2. Pat Corkrean	Winterset	
1. Margaret Schafer	Earlham	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2. Loren Myers	Macksburg	
1. Bruce Brownlee	St Charles	AGRICULTURAL/ OTHER TYPE
2. Russell Anderson	Peru	AGRICULTURAL

I further DESIGNATE, SELECT and APPOINT the above named Don Noack to act as Chairperson of said Commission and Pat Corkrean is appointed as Alternate Chairperson.

TO THE SHERIFF OF Madison COUNTY, IOWA: Attached hereto please find a duplicate of the Application for Condemnation in the above entitled matter.

DATED at Des Moines, Iowa this 27 day of April, 1995.

Richard D. Mow

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 2nd day of May 1995.

Paul D. Welch Sheriff

SHERIFF OF MADISON COUNTY, IOWA

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 IN THE MATTER OF THE CONDEMNATION OF
 EASEMENT RIGHTS IN AGRICULTURAL
 LAND BY WARREN WATER DISTRICT TO
 CONSTRUCT, OPERATE AND MAINTAIN A
 WATER DISTRIBUTION SYSTEM IN MADISON
 COUNTY, IA PHASE III

SUPPLEMENTARY ORDER APPOINTING
 ALTERNATE COMPENSATION COMMISSIONERS

Madison County

An Application and Notice of Condemnation having been filed with me by
Warren Water District for the selection and
 appointment, by lot, of six suitable persons as the law provides to act as
 a compensation commission to assess and appraise the damages sustained by
 reason of the condemnation of certain specified rights in certain land
 described by Applicant, in the Notice of Condemnation filed in the above
 entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of
 said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Don Eyerly 2. Jim Kress	Winterset Earlham	LICENSED REAL ESTATE BROKERS / SALESPERSON
1. Jim Mease 2. Gary Dwyer	Winterset Winterset	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
1. Raymond Clark 2. Dean Molln	Booneville Winterset	AGRICULTURAL / OTHER THAN AGRICULTURAL

The Sheriff of Madison County, Iowa shall upon being informed of
 a vacancy in the compensation commission, notify the alternate member
 appointed having the same qualifications as the person unable to serve in
 the same manner as the original commissioners were notified.

DATED this 27 day of April, 1995.

Richard D. Moran

CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 2nd day of May,
 1995.

Paul D. Wells Sheriff

SHERIFF OF MADISON COUNTY, IOWA

5
/

BEFORE THE SHERIFF OF MADISON COUNTY

.....

IN THE MATTER OF THE CONDEMNATION)
OF/ ^{PASTMENT} RIGHTS IN AGRICULTURAL LAND BY) SUMMONS TO COMMISSIONERS
WARREN WATER DISTRICT TO CONSTRUCT,)
OPERATE AND MAINTAIN A WATER)
DISTRIBUTION SYSTEM)
IN MADISON COUNTY, IOWA,)

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

.....

TO: Loren Myers
RR 2 Box 101
Lorimor, Iowa 50149

UPON APPLICATION OF THE ABOVE CONDEMNOR TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA FOR THE SELECTION OF A COMPENSATION COMMISSION TO APPRAISE DAMAGES TO REAL ESTATE BY REASON OF THESE PROCEEDINGS, THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT HAS SELECTED AND APPOINTED YOU AS A MEMBER OF SUCH COMPENSATION COMMISSION, WHICH SELECTION HAS BEEN DULY FILED IN MY OFFICE. FURTHER, THE CHIEF JUDGE DESIGNATED DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTerset, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM FOR THE PURPOSE OF QUALIFYING AS A MEMBER OF SUCH COMMISSION AND TO PROCEED TO VIEW THE PREMISES AND MAKE AN AWARD OF DAMAGES ACCORDING TO LAW.

FILED IN MY OFFICE THIS 2ND DAY OF MAY, 1995.

Paul E. ... Sheriff
SHERIFF OF MADISON COUNTY, IOWA



SUMMONS TO COMMISSIONERS
PAGE 2

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED AND RECEIPT OF A COPY ACKNOWLEDGED AT Macombsburg, IOWA, THIS 10 DAY OF May, 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION THEREIN.

Law D. Meyer

REFUSAL TO SERVE

I WILL BE UNABLE TO SERVE FOR THE REASON THAT I POSSESS AN INTEREST IN THE PROCEEDING WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION OR FOR THE REASON THAT _____

PLEASE SIGN ORIGINAL SUMMONS
AND RETURN PROMPTLY TO THE
SHERIFF IN THE ENCLOSED
SELF ADDRESSED STAMPED ENVELOPE

FILED IN MAY OFFICE AT WINTERSSET, IOWA, THIS 12th DAY OF May, 1995.

Paul D. Welch

PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO CONSTRUCT,
OPERATE AND MAINTAIN A WATER
DISTRIBUTION SYSTEM IN MADISON COUNTY, IA
PHASE III

SELECTION AND APPOINTMENT OF
COMPENSATION COMMISSIONERS BY
THE CHIEF JUDGE OF THE FIFTH
JUDICIAL DISTRICT

Madison County

An Application and Notice of Condemnation having been filed with me by
Warren Water District for the selection and
appointment, by lot, of six suitable persons as the law provides to act as
a compensation commission to assess and appraise the damages sustained by
reason of the condemnation of certain specified rights in certain land
described by Applicant, in the Notice of Condemnation filed in the above
entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of
said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Don Noack	Booneville	LICENSED REAL ESTATE BROKERS/SALESPERSON
2. Pat Corkrean	Winterset	
1. Margaret Schafer	Earlham	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2. Loren Myers	Macksburg	
1. Bruce Brownlee	St Charles	AGRICULTURAL/ OTHER AGRICULTURAL
2. Russell Anderson	Peru	

I further DESIGNATE, SELECT and APPOINT the above named Don Noack
to act as Chairperson of said Commission and Pat Corkrean is
appointed as Alternate Chairperson.

TO THE SHERIFF OF Madison COUNTY, IOWA: Attached hereto
please find a duplicate of the Application for Condemnation in the above
entitled matter.

DATED at Des Moines, Iowa this 27 day of April, 1995.

Richard D. Mow

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 2nd day of May
1995.

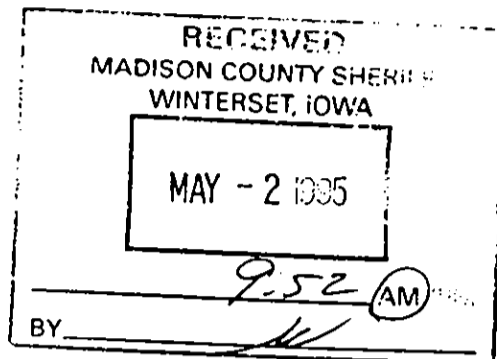
Paul D. Welch Sheriff

SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,

RE: PHASE III;

Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)



APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE
OF THE FIFTH JUDICIAL DISTRICT AND
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE RICHARD D. MORR, Chief Judge of the Fifth Judicial
District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the
"Applicant" or "District", a rural water district incorporated and
organized pursuant to the provisions of Chapter 357A of the Code of
Iowa, and pursuant to § 6B.3, Code of Iowa (1995), states:

1. Applicant, Warren Water District is a rural water
district incorporated and organized pursuant to the provisions of
Chapter 357A of the Code of Iowa, with its principal place of
business at 708 North Avenue, Norwalk, Iowa 50211, and is
authorized to make this application under the provisions of
§357A.11(5) of the Code of Iowa (1995).

2. The Applicant seeks to acquire, by the process of eminent
domain, permanent and perpetual easements on, under, across and
through the real estate hereinafter set forth to erect, construct,
install, lay and thereafter use, operate, inspect, repair,
maintain, replace and remove water lines and appurtenances thereto.
Applicant shall have the right of ingress to and egress from said
strip of land across the described tract for these purposes. The
owners and other affected persons may continue to use and enjoy the
grounds within the easement areas, but subject to Applicant's
rights as set forth above; provided, however, that no building,
structure or other improvement shall be constructed upon the
easement strip which would directly interfere with Applicant's
rights hereby acquired, including access to the easement strip and
the safe operation of its water lines.

3. The purpose for which the condemnation is sought is an
easement for water lines for water distribution purposes over and
across the described real estate, said water distribution system to
serve residents of Warren County and Madison County, Iowa.

-2-

4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:

- (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
- (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to re-clear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
- (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.
- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be replaced by Applicant with tile of comparable quality.

5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.

6. That said land described in Exhibit "A" is agricultural property.

7. Exhibit "B" attached hereto, and by this reference made a part hereof, is a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.

8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.

9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

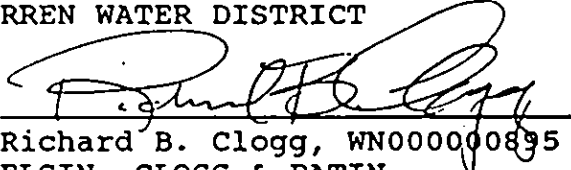
10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1995) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

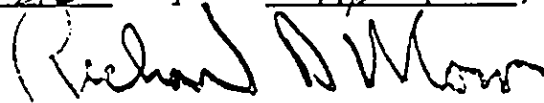
WARREN WATER DISTRICT

By


Richard B. Clogg, WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of April, 1995.



CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

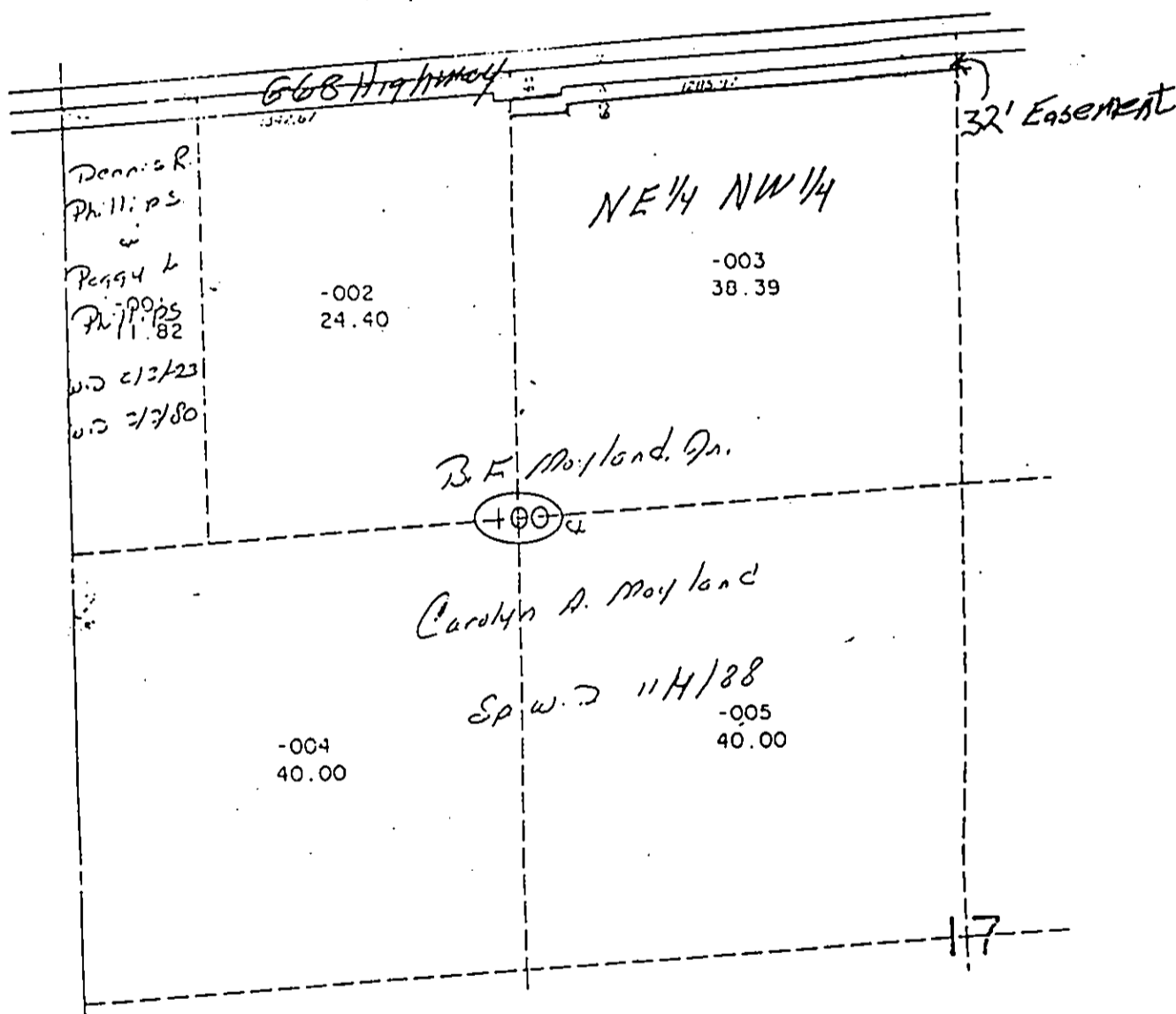
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW $\frac{1}{4}$ 17-74-26



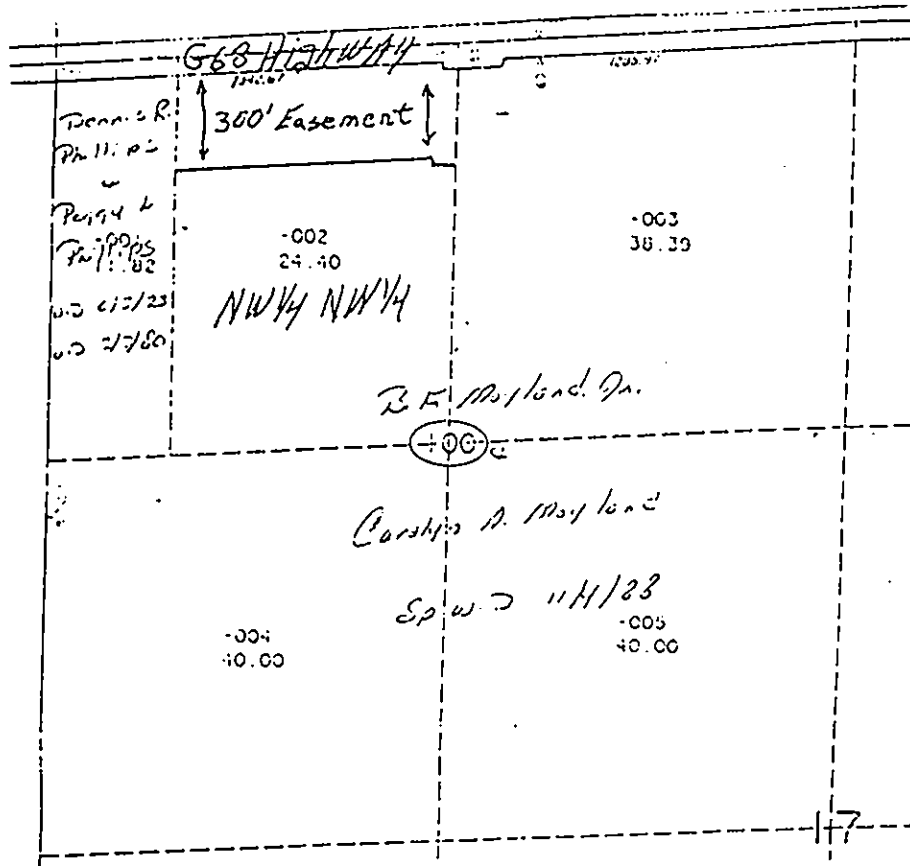
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW $\frac{1}{4}$ 17-74-26



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owners:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

Parcel No. M-0137-B - NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owner:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

SUMMONS TO COMMISSIONERS
PAGE 2

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED AND RECEIPT OF A COPY ACKNOWLEDGED AT _____, IOWA, THIS 11 DAY OF May, 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION THEREIN.

Robert J. Cook

REFUSAL TO SERVE

I WILL BE UNABLE TO SERVE FOR THE REASON THAT I POSSESS AN INTEREST IN THE PROCEEDING WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION OR FOR THE REASON THAT _____

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF IN THE ENCLOSED SELF ADDRESSED STAMPED ENVELOPE

FILED IN MAY OFFICE AT WINTERSET, IOWA, THIS 12th DAY OF May, 1995.

Paul D. Welch, Sheriff
PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
 EASEMENT RIGHTS IN AGRICULTURAL LAND
 BY WARREN WATER DISTRICT TO CONSTRUCT,
 OPERATE AND MAINTAIN A WATER
 DISTRIBUTION SYSTEM IN MADISON COUNTY, IA
 PHASE III

SELECTION AND APPOINTMENT OF
 COMPENSATION COMMISSIONERS BY
 THE CHIEF JUDGE OF THE FIFTH
 JUDICIAL DISTRICT

Madison County

An Application and Notice of Condemnation having been filed with me by
Warren Water District for the selection and
 appointment, by lot, of six suitable persons as the law provides to act as
 a compensation commission to assess and appraise the damages sustained by
 reason of the condemnation of certain specified rights in certain land
 described by Applicant, in the Notice of Condemnation filed in the above
 entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of
 said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Don Noack 2. Pat Corkrean	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON
1. Margaret Schafer 2. Loren Myers	Earlham Macksburg	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
1. Bruce Brownlee 2. Russell Anderson	St Charles Peru	AGRICULTURAL/ OTHER AGRICULTURAL

I further DESIGNATE, SELECT and APPOINT the above named Don Noack
 to act as Chairperson of said Commission and Pat Corkrean is
 appointed as Alternate Chairperson.

TO THE SHERIFF OF Madison COUNTY, IOWA: Attached hereto
 please find a duplicate of the Application for Condemnation in the above
 entitled matter.

DATED at Des Moines, Iowa this 27 day of April, 1995.

Richard D. Mon

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 2nd day of May
 1995.

Paul D. Wells Sheriff
 SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
MAY - 2 1995
9:52 AM
BY _____

RE: PHASE III;

- Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
- Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)

APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE
OF THE FIFTH JUDICIAL DISTRICT AND
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE RICHARD D. MORR, Chief Judge of the Fifth Judicial
District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the
"Applicant" or "District", a rural water district incorporated and
organized pursuant to the provisions of Chapter 357A of the Code of
Iowa, and pursuant to § 6B.3, Code of Iowa (1995), states:

1. Applicant, Warren Water District is a rural water
district incorporated and organized pursuant to the provisions of
Chapter 357A of the Code of Iowa, with its principal place of
business at 708 North Avenue, Norwalk, Iowa 50211, and is
authorized to make this application under the provisions of
§357A.11(5) of the Code of Iowa (1995).

2. The Applicant seeks to acquire, by the process of eminent
domain, permanent and perpetual easements on, under, across and
through the real estate hereinafter set forth to erect, construct,
install, lay and thereafter use, operate, inspect, repair,
maintain, replace and remove water lines and appurtenances thereto.
Applicant shall have the right of ingress to and egress from said
strip of land across the described tract for these purposes. The
owners and other affected persons may continue to use and enjoy the
grounds within the easement areas, but subject to Applicant's
rights as set forth above; provided, however, that no building,
structure or other improvement shall be constructed upon the
easement strip which would directly interfere with Applicant's
rights hereby acquired, including access to the easement strip and
the safe operation of its water lines.

3. The purpose for which the condemnation is sought is an
easement for water lines for water distribution purposes over and
across the described real estate, said water distribution system to
serve residents of Warren County and Madison County, Iowa.

4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:

- (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
- (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to re-clear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
- (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.
- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be replaced by Applicant with tile of comparable quality.

5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.

6. That said land described in Exhibit "A" is agricultural property.

7. Exhibit "B" attached hereto, and by this reference made a part hereof, is a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.

8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.

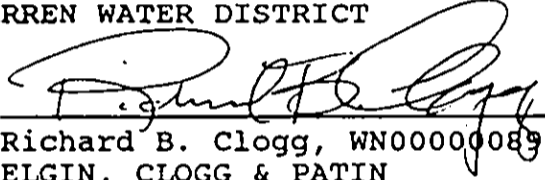
9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1995) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

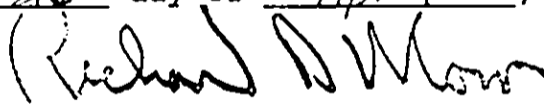
WARREN WATER DISTRICT

By 

Richard B. Clogg, WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of April, 1995.



CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

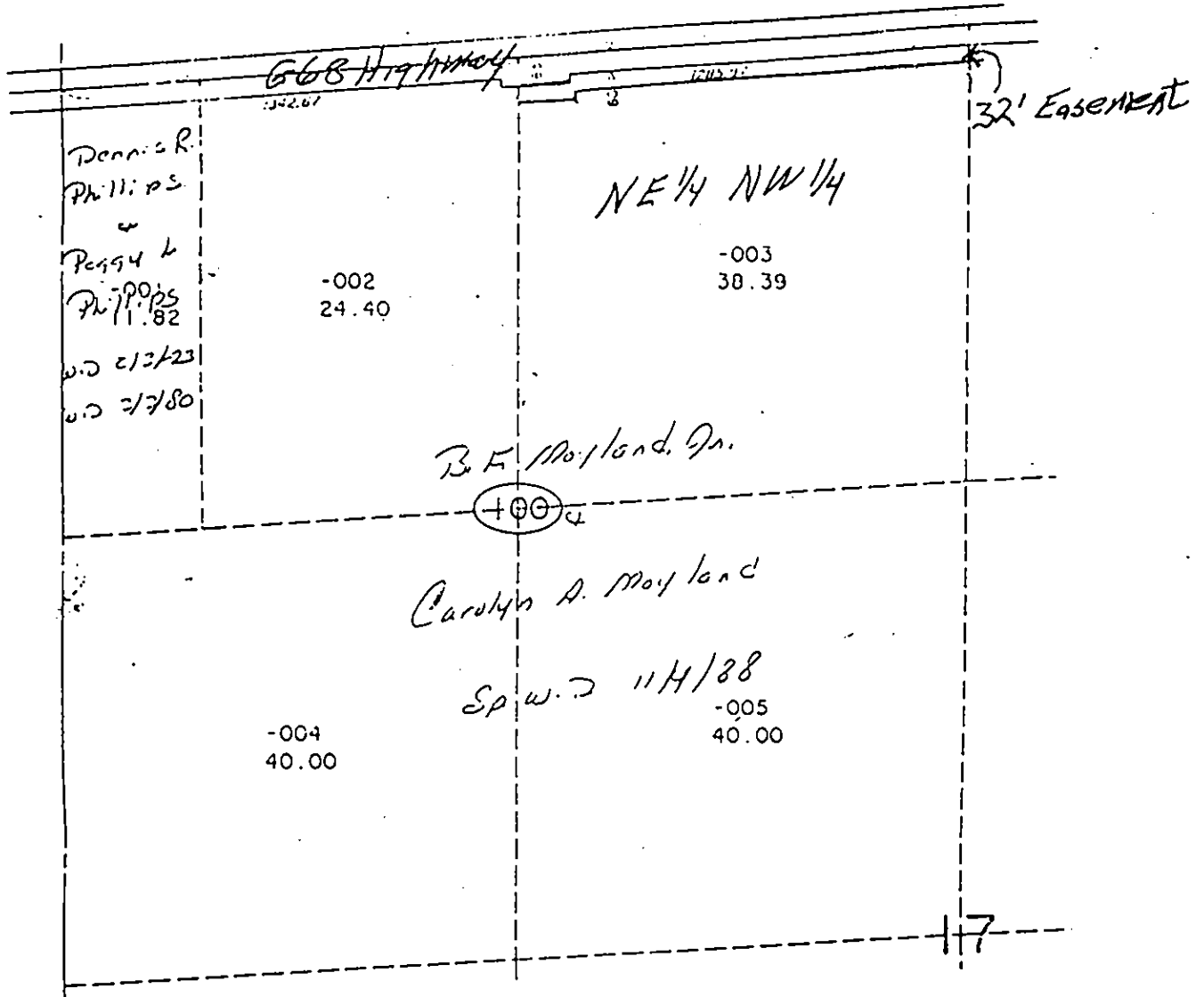
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW $\frac{1}{4}$ 17-74-26



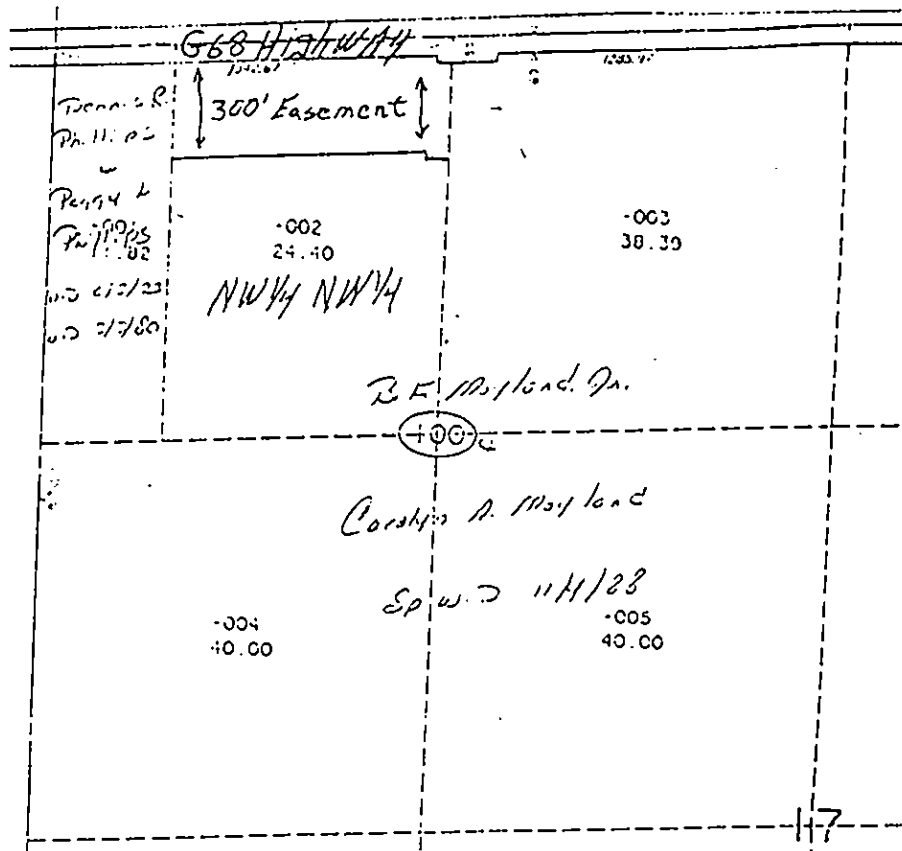
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW $\frac{1}{4}$ 17-74-26



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owners:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

Parcel No. M-0137-B - NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owner:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

9

BEFORE THE SHERIFF OF MADISON COUNTY

.....

IN THE MATTER OF THE CONDEMNATION)
EASEMENT)
OF RIGHTS IN AGRICULTURAL LAND BY) SUMMONS TO COMMISSIONERS
WARREN WATER DISTRICT TO CONSTRUCT,)
OPERATE AND MAINTAIN A WATER)
DISTRIBUTION SYSTEM)
IN MADISON COUNTY, IOWA,)

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

.....

TO: Don Noack
RR 1 Box 93
Booneville, Iowa 50038

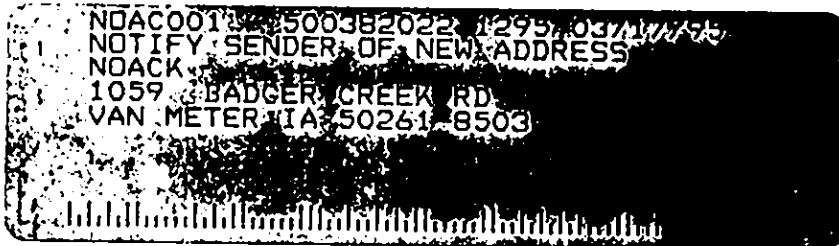
UPON APPLICATION OF THE ABOVE CONDEMNOR TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA FOR THE SELECTION OF A COMPENSATION COMMISSION TO APPRAISE DAMAGES TO REAL ESTATE BY REASON OF THESE PROCEEDINGS, THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT HAS SELECTED AND APPOINTED YOU AS A MEMBER OF SUCH COMPENSATION COMMISSION, WHICH SELECTION HAS BEEN DULY FILED IN MY OFFICE. FURTHER, THE CHIEF JUDGE DESIGNATED DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTerset, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM FOR THE PURPOSE OF QUALIFYING AS A MEMBER OF SUCH COMMISSION AND TO PROCEED TO VIEW THE PREMISES AND MAKE AN AWARD OF DAMAGES ACCORDING TO LAW.

FILED IN MY OFFICE THIS 2ND DAY OF MAY, 1995.

Paul D. Welch, Sheriff

SHERIFF OF MADISON COUNTY, IOWA



SUMMONS TO COMMISSIONERS
PAGE 2

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED AND RECEIPT OF A COPY ACKNOWLEDGED AT VAN Meter, IOWA, THIS 15 DAY OF MAY, 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION THEREIN.

Donald P Neack

REFUSAL TO SERVE

I WILL BE UNABLE TO SERVE FOR THE REASON THAT I POSSESS AN INTEREST IN THE PROCEEDING WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION OR FOR THE REASON THAT _____

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF IN THE ENCLOSED SELF ADDRESSED STAMPED ENVELOPE

FILED IN MAY OFFICE AT WINTERSET, IOWA, THIS 16th DAY OF May, 1995.

Paul D Welch, Sheriff

PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

¹⁰
 IN THE MATTER OF THE CONDEMNATION OF
 EASEMENT RIGHTS IN AGRICULTURAL LAND
 BY WARREN WATER DISTRICT TO CONSTRUCT,
 OPERATE AND MAINTAIN A WATER
 DISTRIBUTION SYSTEM IN MADISON COUNTY, IA
 PHASE III

SELECTION AND APPOINTMENT OF
 COMPENSATION COMMISSIONERS BY
 THE CHIEF JUDGE OF THE FIFTH
 JUDICIAL DISTRICT

Madison County

An Application and Notice of Condemnation having been filed with me by
Warren Water District for the selection and
 appointment, by lot, of six suitable persons as the law provides to act as
 a compensation commission to assess and appraise the damages sustained by
 reason of the condemnation of certain specified rights in certain land
 described by Applicant, in the Notice of Condemnation filed in the above
 entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of
 said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Don Noack 2. Pat Corkrean	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON
1. Margaret Schafer 2. Loren Myers	Earlham Macksburg	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
1. Bruce Brownlee 2. Russell Anderson	St Charles Peru	AGRICULTURAL/ OTHER AGRICULTURAL

I further DESIGNATE, SELECT and APPOINT the above named Don Noack
 to act as Chairperson of said Commission and Pat Corkrean is
 appointed as Alternate Chairperson.

TO THE SHERIFF OF Madison COUNTY, IOWA: Attached hereto
 please find a duplicate of the Application for Condemnation in the above
 entitled matter.

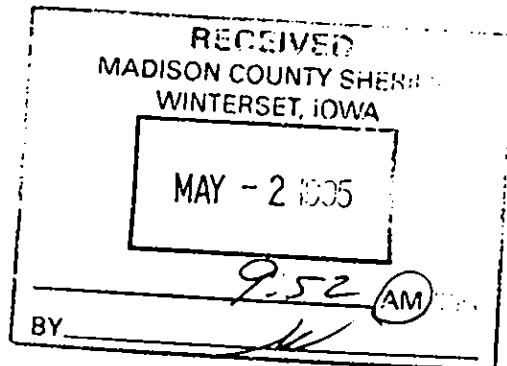
DATED at Des Moines, Iowa this 27 day of April, 1995.

Richard D. Mow
 JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 2nd day of May
 1995.

Paul D. Weld, Sheriff
 SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,



RE: PHASE III;

Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)

APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE
OF THE FIFTH JUDICIAL DISTRICT AND
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE RICHARD D. MORR, Chief Judge of the Fifth Judicial
District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the
"Applicant" or "District", a rural water district incorporated and
organized pursuant to the provisions of Chapter 357A of the Code of
Iowa, and pursuant to § 6B.3, Code of Iowa (1995), states:

1. Applicant, Warren Water District is a rural water
district incorporated and organized pursuant to the provisions of
Chapter 357A of the Code of Iowa, with its principal place of
business at 708 North Avenue, Norwalk, Iowa 50211, and is
authorized to make this application under the provisions of
§357A.11(5) of the Code of Iowa (1995).

2. The Applicant seeks to acquire, by the process of eminent
domain, permanent and perpetual easements on, under, across and
through the real estate hereinafter set forth to erect, construct,
install, lay and thereafter use, operate, inspect, repair,
maintain, replace and remove water lines and appurtenances thereto.
Applicant shall have the right of ingress to and egress from said
strip of land across the described tract for these purposes. The
owners and other affected persons may continue to use and enjoy the
grounds within the easement areas, but subject to Applicant's
rights as set forth above; provided, however, that no building,
structure or other improvement shall be constructed upon the
easement strip which would directly interfere with Applicant's
rights hereby acquired, including access to the easement strip and
the safe operation of its water lines.

3. The purpose for which the condemnation is sought is an
easement for water lines for water distribution purposes over and
across the described real estate, said water distribution system to
serve residents of Warren County and Madison County, Iowa.

4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:

- (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
- (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to re-clear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
- (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.
- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be replaced by Applicant with tile of comparable quality.

5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.

6. That said land described in Exhibit "A" is agricultural property.

7. Exhibit "B" attached hereto, and by this reference made a part hereof, is a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.

8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.

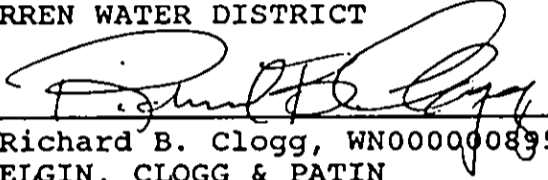
9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1995) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of of Chapter 6B, Code of Iowa, as amended.

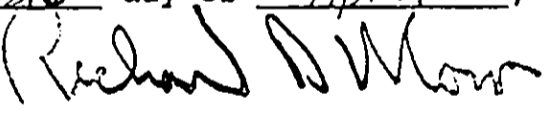
Dated this 25th day of April, 1995.

WARREN WATER DISTRICT

By 
Richard B. Clogg, WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of April, 1995.



CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

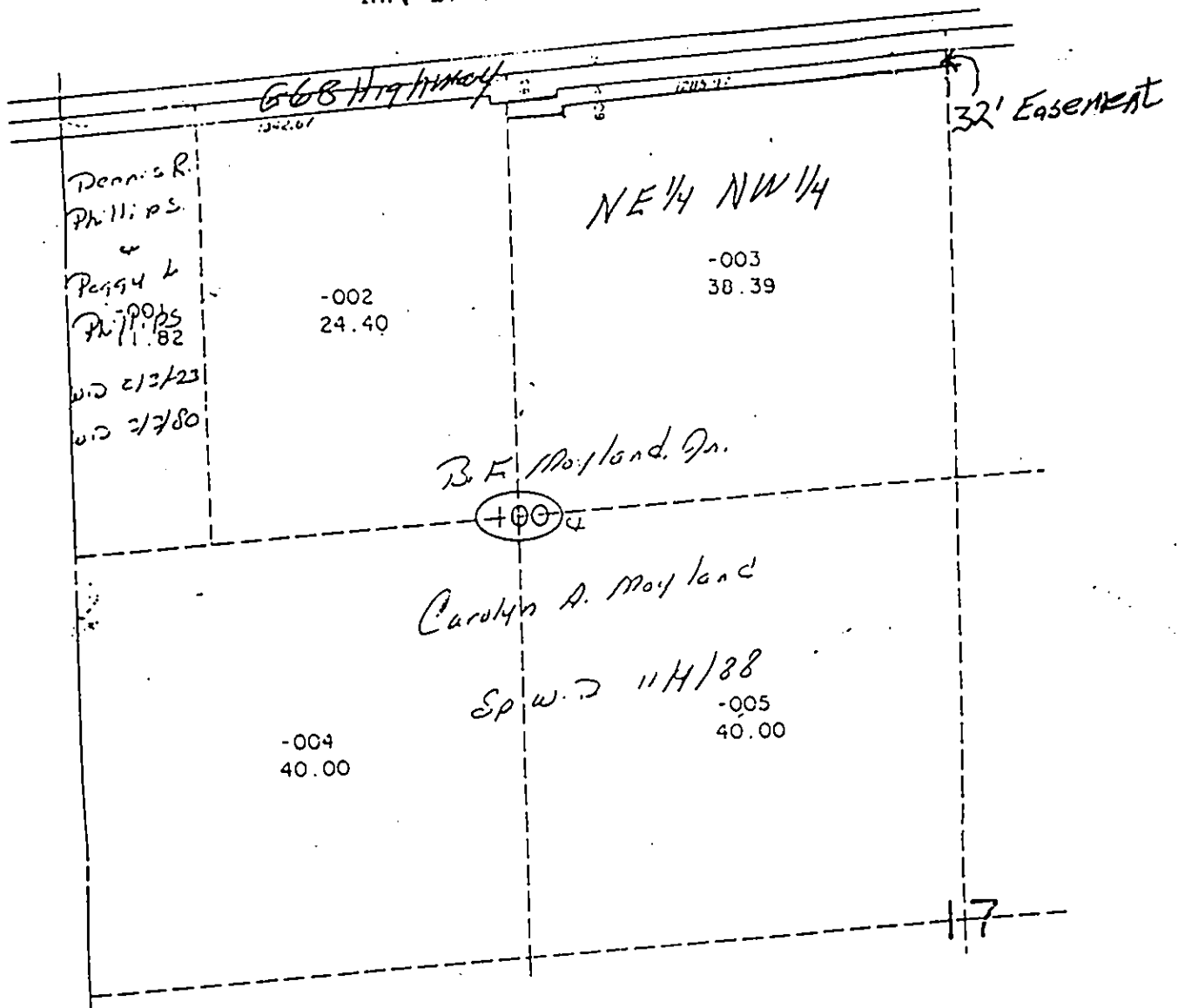
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW $\frac{1}{4}$ 17-74-26



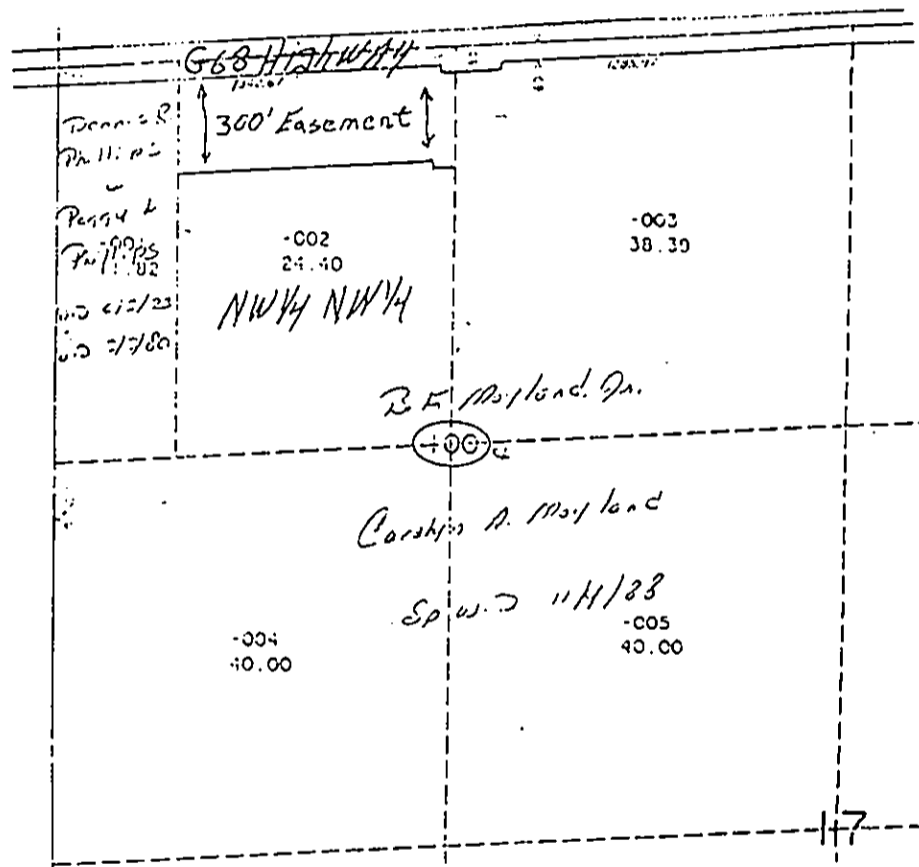
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW $\frac{1}{4}$ 17-74-26



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE¼ NW¼ 17-74-26

Property Owners:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

Parcel No. M-0137-B - NW¼ NW¼ 17-74-26

Property Owner:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

BEFORE THE SHERIFF OF MADISON COUNTY

.....
IN THE MATTER OF THE CONDEMNATION)
OF/RIGHTS ^{EASEMENT} IN AGRICULTURAL LAND BY) SUMMONS TO COMMISSIONERS
WARREN WATER DISTRICT TO CONSTRUCT,)
OPERATE AND MAINTAIN A WATER)
DISTRIBUTION SYSTEM)
IN MADISON COUNTY, IOWA,)

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

.....
TO: Jim Mease
315 W Green
Winterset, Iowa 50273

UPON APPLICATION OF THE ABOVE CONDEMNOR TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA FOR THE SELECTION OF A COMPENSATION COMMISSION TO APPRAISE DAMAGES TO REAL ESTATE BY REASON OF THESE PROCEEDINGS, THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT HAS SELECTED AND APPOINTED YOU AS A MEMBER OF SUCH COMPENSATION COMMISSION, WHICH SELECTION HAS BEEN DULY FILED IN MY OFFICE. FURTHER, THE CHIEF JUDGE DESIGNATED DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTERSET, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM FOR THE PURPOSE OF QUALIFYING AS A MEMBER OF SUCH COMMISSION AND TO PROCEED TO VIEW THE PREMISES AND MAKE AN AWARD OF DAMAGES ACCORDING TO LAW.

FILED IN MY OFFICE THIS 2ND DAY OF MAY _____, 1995.

Paul D. Welch, Sheriff
SHERIFF OF MADISON COUNTY, IOWA

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED 15th DAY OF May, 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION THEREIN.

James D. Deane

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE MADISON COUNTY SHERIFF IN THE ENCLOSED ENVELOPE

FILED IN MY OFFICE AT WINTERSET, IOWA, IOWA, THIS 17th DAY OF May, 1995.

Paul D. Welch, Sheriff

PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

REFUSAL TO SERVE

I WILL BE UNABLE TO SERVE FOR THE REASONS THAT I POSSESS AN INTEREST IN THE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION.



IN THE MATTER OF THE CONDEMNATION OF
~~EASEMENT RIGHTS IN AGRICULTURAL LAND~~
 BY WARREN WATER DISTRICT TO CONSTRUCT,
 OPERATE AND MAINTAIN A WATER
 DISTRIBUTION SYSTEM IN MADISON COUNTY, IA
 PHASE III

SELECTION AND APPOINTMENT OF
 COMPENSATION COMMISSIONERS BY
 THE CHIEF JUDGE OF THE FIFTH
 JUDICIAL DISTRICT

Madison County

An Application and Notice of Condemnation having been filed with me by
Warren Water District for the selection and
 appointment, by lot, of six suitable persons as the law provides to act as
 a compensation commission to assess and appraise the damages sustained by
 reason of the condemnation of certain specified rights in certain land
 described by Applicant, in the Notice of Condemnation filed in the above
 entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of
 said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Don Noack 2. Pat Corkrean	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON
1. Margaret Schater 2. Loren Myers	Earlham Macksburg	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
1. Bruce Brownlee 2. Russell Anderson	St Charles Peru	AGRICULTURAL/ OTHER THAN AGRICULTURAL

I further DESIGNATE, SELECT and APPOINT the above named Don Noack
 to act as Chairperson of said Commission and Pat Corkrean is
 appointed as Alternate Chairperson.

TO THE SHERIFF OF Madison COUNTY, IOWA: Attached hereto
 please find a duplicate of the Application for Condemnation in the above
 entitled matter.

DATED at Des Moines, Iowa this 27 day of April, 1995.

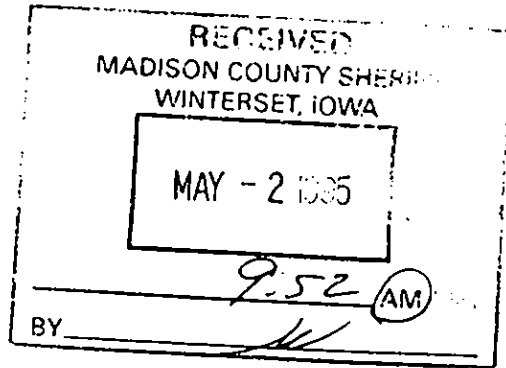
Richard D. Mow

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 2nd day of May
 1995.

Paul D. Welch Sheriff
 SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,



RE: PHASE III;

Parcel M-0137-A - (NE¼ NW¼ 17-74-26)
Parcel M-0137-B - (NW¼ NW¼ 17-74-26)

APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE
OF THE FIFTH JUDICIAL DISTRICT AND
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE RICHARD D. MORR, Chief Judge of the Fifth Judicial
District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the
"Applicant" or "District", a rural water district incorporated and
organized pursuant to the provisions of Chapter 357A of the Code of
Iowa, and pursuant to § 6B.3, Code of Iowa (1995), states:

1. Applicant, Warren Water District is a rural water
district incorporated and organized pursuant to the provisions of
Chapter 357A of the Code of Iowa, with its principal place of
business at 708 North Avenue, Norwalk, Iowa 50211, and is
authorized to make this application under the provisions of
§357A.11(5) of the Code of Iowa (1995).

2. The Applicant seeks to acquire, by the process of eminent
domain, permanent and perpetual easements on, under, across and
through the real estate hereinafter set forth to erect, construct,
install, lay and thereafter use, operate, inspect, repair,
maintain, replace and remove water lines and appurtenances thereto.
Applicant shall have the right of ingress to and egress from said
strip of land across the described tract for these purposes. The
owners and other affected persons may continue to use and enjoy the
grounds within the easement areas, but subject to Applicant's
rights as set forth above; provided, however, that no building,
structure or other improvement shall be constructed upon the
easement strip which would directly interfere with Applicant's
rights hereby acquired, including access to the easement strip and
the safe operation of its water lines.

3. The purpose for which the condemnation is sought is an
easement for water lines for water distribution purposes over and
across the described real estate, said water distribution system to
serve residents of Warren County and Madison County, Iowa.

4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:

- (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
- (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to re-clear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
- (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.
- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be replaced by Applicant with tile of comparable quality.

5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.

6. That said land described in Exhibit "A" is agricultural property.

7. Exhibit "B" attached hereto, and by this reference made a part hereof, is a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.

8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.

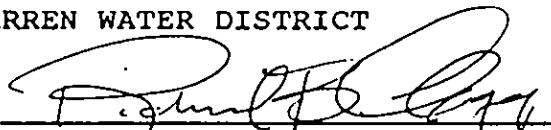
9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1995) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of of Chapter 6B, Code of Iowa, as amended.

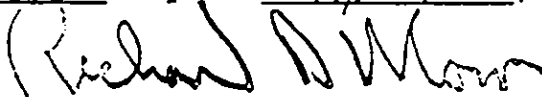
Dated this 25th day of April, 1995.

WARREN WATER DISTRICT

By 
Richard B. Clogg, WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of April, 1995.



CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

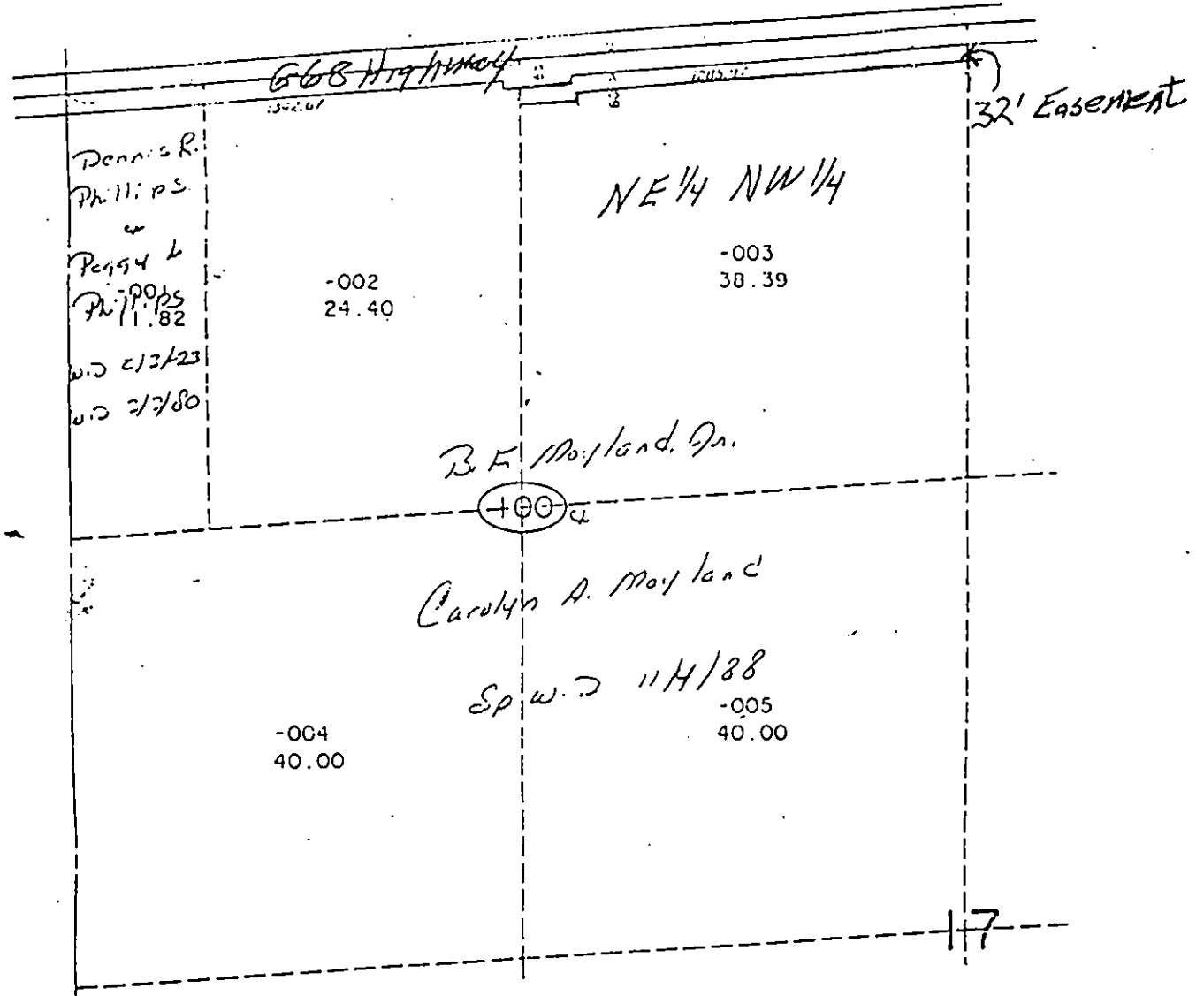
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW $\frac{1}{4}$ 17-74-26



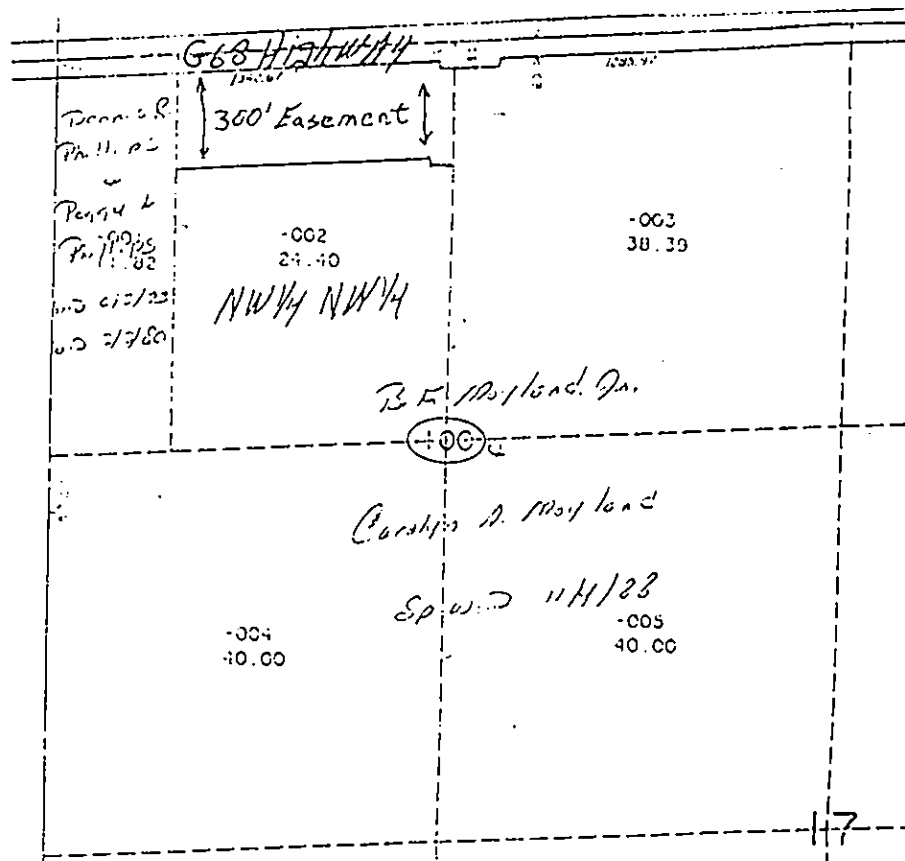
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW $\frac{1}{4}$ 17-74-26



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owners:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

Parcel No. M-0137-B - NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owner:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

12

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED 19 DAY OF May, 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION THEREIN.

Raymond Clark

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE MADISON COUNTY SHERIFF IN THE ENCLOSED ENVELOPE

FILED IN MY OFFICE AT WINTERSSET, IOWA, IOWA, THIS 22nd DAY OF May, 1995.

Paul D. Welch, Sheriff
PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

REFUSAL TO SERVE

I WILL BE UNABLE TO SERVE FOR THE REASONS THAT I POSSESS AN INTEREST IN THE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION.

13

BEFORE THE SHERIFF OF MADISON COUNTY

.....

IN THE MATTER OF THE CONDEMNATION)
OF RIGHTS IN AGRICULTURAL LAND BY) EASEMENT) SUMMONS TO COMMISSIONERS
WARREN WATER DISTRICT TO CONSTRUCT,)
OPERATE AND MAINTAIN A WATER)
DISTRIBUTION SYSTEM)
IN MADISON COUNTY, IOWA,)

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

.....

TO: Raymond Clark
RR 1 Box 111
Booneville, Iowa 50038

UPON APPLICATION OF THE ABOVE CONDEMNOR TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA FOR THE SELECTION OF A COMPENSATION COMMISSION TO APPRAISE DAMAGES TO REAL ESTATE BY REASON OF THESE PROCEEDINGS, THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT HAS SELECTED AND APPOINTED YOU AS A MEMBER OF SUCH COMPENSATION COMMISSION, WHICH SELECTION HAS BEEN DULY FILED IN MY OFFICE. FURTHER, THE CHIEF JUDGE DESIGNATED DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTERSET, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM FOR THE PURPOSE OF QUALIFYING AS A MEMBER OF SUCH COMMISSION AND TO PROCEED TO VIEW THE PREMISES AND MAKE AN AWARD OF DAMAGES ACCORDING TO LAW.

FILED IN MY OFFICE THIS 2ND DAY OF MAY, 1995.

Paul E. Welch, Sheriff

SHERIFF OF MADISON COUNTY, IOWA

14
 IN THE MATTER OF THE CONDEMNATION OF
 EASEMENT RIGHTS IN AGRICULTURAL LAND
 BY WARREN WATER DISTRICT TO CONSTRUCT,
 OPERATE AND MAINTAIN A WATER
 DISTRIBUTION SYSTEM IN MADISON COUNTY, IA
 PHASE III

SELECTION AND APPOINTMENT OF
 COMPENSATION COMMISSIONERS BY
 THE CHIEF JUDGE OF THE FIFTH
 JUDICIAL DISTRICT

Madison County

An Application and Notice of Condemnation having been filed with me by
Warren Water District for the selection and
 appointment, by lot, of six suitable persons as the law provides to act as
 a compensation commission to assess and appraise the damages sustained by
 reason of the condemnation of certain specified rights in certain land
 described by Applicant, in the Notice of Condemnation filed in the above
 entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of
 said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Don Noack	Booneville	LICENSED REAL ESTATE
2. Pat Corkrean	Winterset	BROKERS/SALESPERSON
1. Margaret Schafer	Earlham	KNOWLEDGEABLE OF PROPERTY
2. Loren Myers	Macksburg	BY VIRTUE OF OCCUPATION
1. Bruce Brownlee	St Charles	AGRICULTURAL/ OTHER PROP
2. Russell Anderson	Peru	AGRICULTURAL

I further DESIGNATE, SELECT and APPOINT the above named Don Noack
 to act as Chairperson of said Commission and Pat Corkrean is
 appointed as Alternate Chairperson.

TO THE SHERIFF OF Madison COUNTY, IOWA: Attached hereto
 please find a duplicate of the Application for Condemnation in the above
 entitled matter.

DATED at Des Moines, Iowa this 27 day of April, 1995.

Richard D. Mow

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 2nd day of May
 1995.

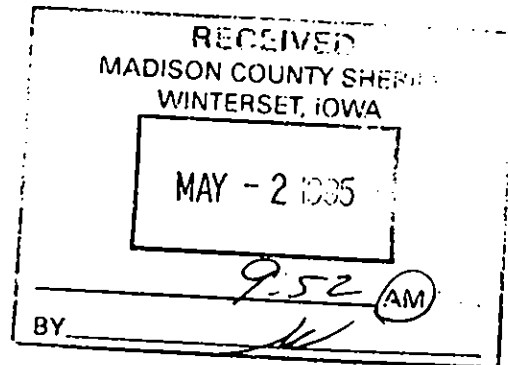
Paul D. Wells, Sheriff

SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,

RE: PHASE III;

Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)



APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE
OF THE FIFTH JUDICIAL DISTRICT AND
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE RICHARD D. MORR, Chief Judge of the Fifth Judicial
District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the
"Applicant" or "District", a rural water district incorporated and
organized pursuant to the provisions of Chapter 357A of the Code of
Iowa, and pursuant to § 6B.3, Code of Iowa (1995), states:

1. Applicant, Warren Water District is a rural water
district incorporated and organized pursuant to the provisions of
Chapter 357A of the Code of Iowa, with its principal place of
business at 708 North Avenue, Norwalk, Iowa 50211, and is
authorized to make this application under the provisions of
§357A.11(5) of the Code of Iowa (1995).

2. The Applicant seeks to acquire, by the process of eminent
domain, permanent and perpetual easements on, under, across and
through the real estate hereinafter set forth to erect, construct,
install, lay and thereafter use, operate, inspect, repair,
maintain, replace and remove water lines and appurtenances thereto.
Applicant shall have the right of ingress to and egress from said
strip of land across the described tract for these purposes. The
owners and other affected persons may continue to use and enjoy the
grounds within the easement areas, but subject to Applicant's
rights as set forth above; provided, however, that no building,
structure or other improvement shall be constructed upon the
easement strip which would directly interfere with Applicant's
rights hereby acquired, including access to the easement strip and
the safe operation of its water lines.

3. The purpose for which the condemnation is sought is an
easement for water lines for water distribution purposes over and
across the described real estate, said water distribution system to
serve residents of Warren County and Madison County, Iowa.

4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:

- (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
- (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to re-clear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
- (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.
- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be replaced by Applicant with tile of comparable quality.

5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.

6. That said land described in Exhibit "A" is agricultural property.

7. Exhibit "B" attached hereto, and by this reference made a part hereof, is a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.

8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.

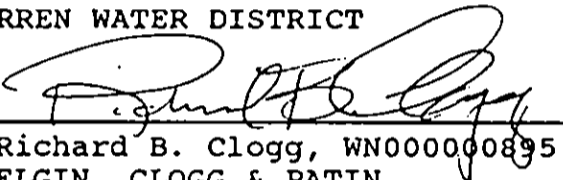
9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1995) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of Chapter 6B, Code of Iowa, as amended.

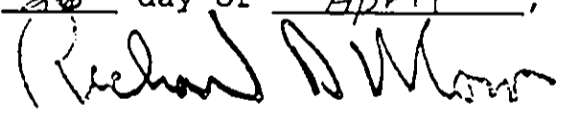
Dated this 25th day of April, 1995.

WARREN WATER DISTRICT

By 
Richard B. Clogg, WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of April, 1995.



CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

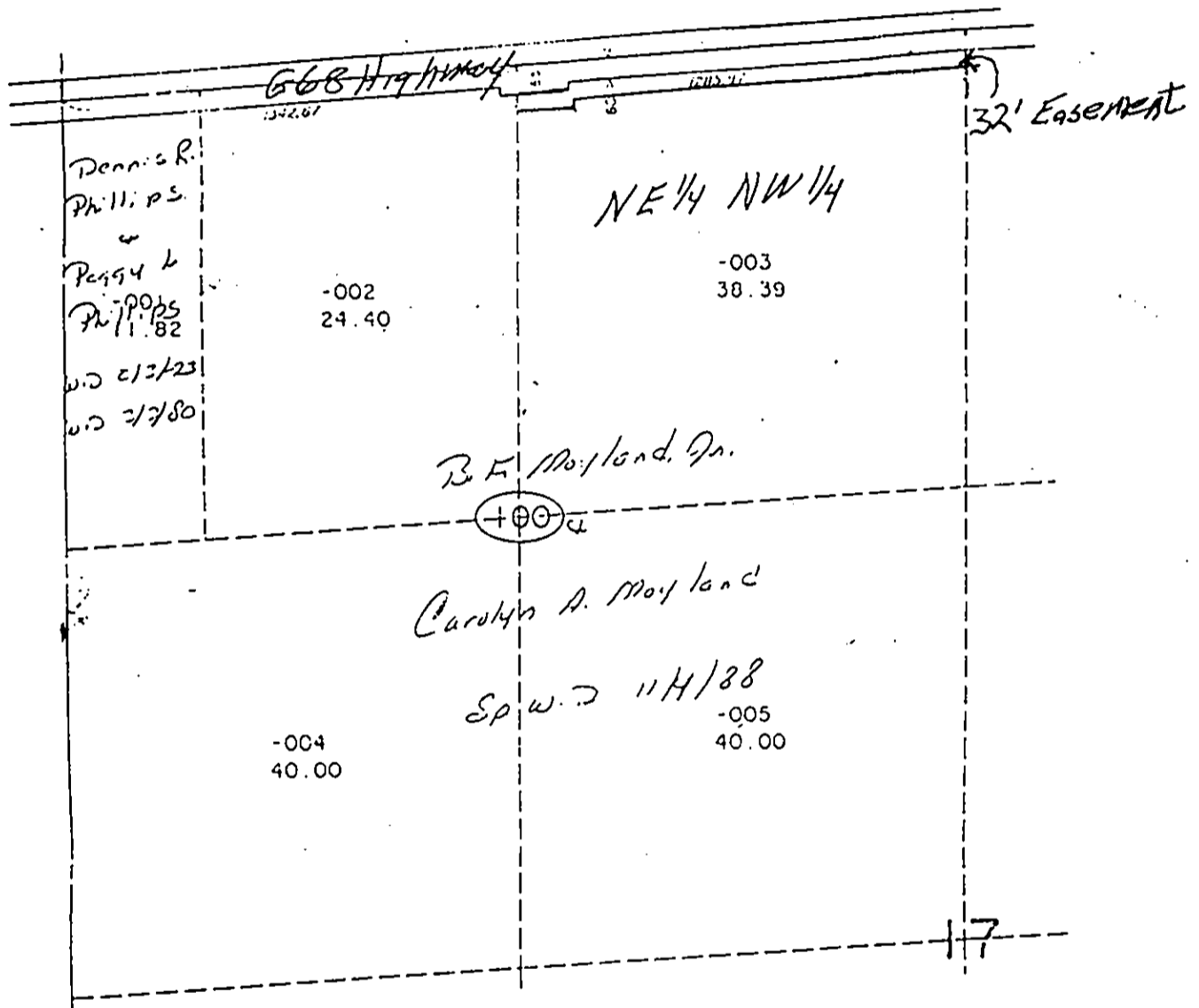
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa. †

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW $\frac{1}{4}$ 17-74-26



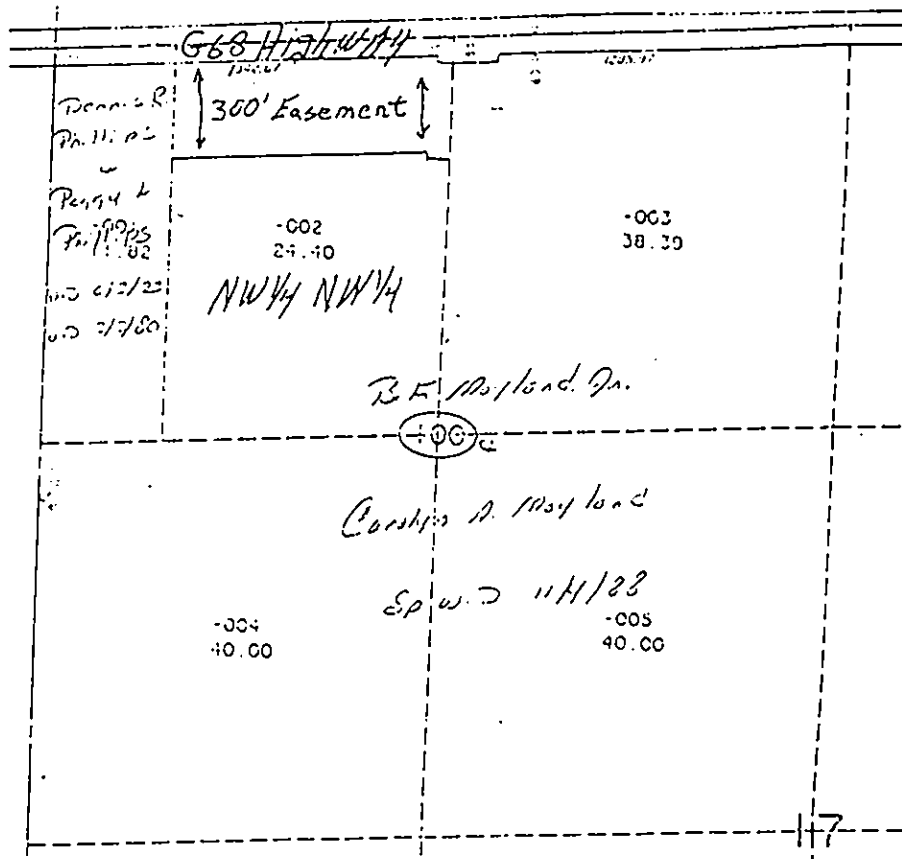
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW $\frac{1}{4}$ 17-74-26



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owners:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

Parcel No. M-0137-B - NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owner:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

SUMMONS TO COMMISSIONERS
PAGE 2

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED AND RECEIPT OF A COPY ACKNOWLEDGED AT Winterset, IOWA, THIS 25 DAY OF May, 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION THEREIN.

Dean Miller

REFUSAL TO SERVE

I WILL BE UNABLE TO SERVE FOR THE REASON THAT I POSSESS AN INTEREST IN THE PROCEEDING WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION OR FOR THE REASON THAT _____

PLEASE SIGN ORIGINAL SUMMONS
AND RETURN PROMPTLY TO THE
SHERIFF IN THE ENCLOSED
SELF ADDRESSED STAMPED ENVELOPE

FILED IN MAY OFFICE AT WINTERSSET, IOWA, THIS 25th DAY OF May, 1995.

Paul D. Welch, Sheriff
PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

BEFORE THE SHERIFF OF MADISON COUNTY

.....

IN THE MATTER OF THE CONDEMNATION)
OF RIGHTS IN AGRICULTURAL LAND BY)
WARREN WATER DISTRICT TO CONSTRUCT,)
OPERATE AND MAINTAIN A WATER)
DISTRIBUTION SYSTEM)
IN MADISON COUNTY, IOWA,)

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

.....

TO: Dean Molln
724 E Jefferson
Winterset, Iowa 50273

UPON APPLICATION OF THE ABOVE CONDEMNOR TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA FOR THE SELECTION OF A COMPENSATION COMMISSION TO APPRAISE DAMAGES TO REAL ESTATE BY REASON OF THESE PROCEEDINGS, THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT HAS SELECTED AND APPOINTED YOU AS A MEMBER OF SUCH COMPENSATION COMMISSION, WHICH SELECTION HAS BEEN DULY FILED IN MY OFFICE. FURTHER, THE CHIEF JUDGE DESIGNATED DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTERSSET, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM FOR THE PURPOSE OF QUALIFYING AS A MEMBER OF SUCH COMMISSION AND TO PROCEED TO VIEW THE PREMISES AND MAKE AN AWARD OF DAMAGES ACCORDING TO LAW.

FILED IN MY OFFICE THIS 2ND DAY OF MAY, 1995.

Paul E. Sheriff

SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
 EASEMENT RIGHTS IN AGRICULTURAL LAND
 BY WARREN WATER DISTRICT TO CONSTRUCT,
 OPERATE AND MAINTAIN A WATER
 DISTRIBUTION SYSTEM IN MADISON COUNTY, IA
 PHASE III

SELECTION AND APPOINTMENT OF
 COMPENSATION COMMISSIONERS BY
 THE CHIEF JUDGE OF THE FIFTH
 JUDICIAL DISTRICT

Madison County.

An Application and Notice of Condemnation having been filed with me by
Warren Water District for the selection and
 appointment, by lot, of six suitable persons as the law provides to act as
 a compensation commission to assess and appraise the damages sustained by
 reason of the condemnation of certain specified rights in certain land
 described by Applicant, in the Notice of Condemnation filed in the above
 entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of
 said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Don Noack	Booneville	LICENSED REAL ESTATE BROKERS/SALESPERSON
2. Pat Corkrean	Winterset	
1. Margaret Schater	Earlham	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2. Loren Myers	Macksburg	
1. Bruce Brownlee	St Charles	AGRICULTURAL/ OTHER TYPE AGRICULTURAL
2. Russell Anderson	Peru	

I further DESIGNATE, SELECT and APPOINT the above named Don Noack
 to act as Chairperson of said Commission and Pat Corkrean is
 appointed as Alternate Chairperson.

TO THE SHERIFF OF Madison COUNTY, IOWA: Attached hereto
 please find a duplicate of the Application for Condemnation in the above
 entitled matter.

DATED at Des Moines, Iowa this 27 day of April, 1995.

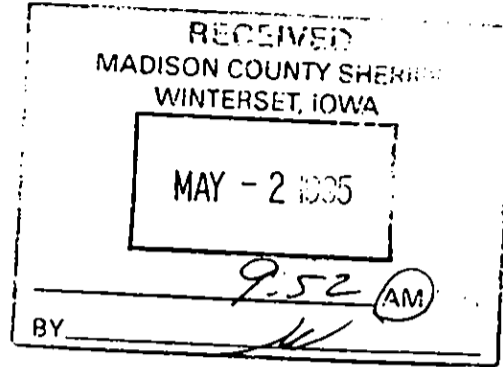
Richard D. Mow

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 2nd day of May
 1995.

Paul D. Welch Sheriff
 SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,



RE: PHASE III;

Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)

APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE
OF THE FIFTH JUDICIAL DISTRICT AND
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE RICHARD D. MORR, Chief Judge of the Fifth Judicial
District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the
"Applicant" or "District", a rural water district incorporated and
organized pursuant to the provisions of Chapter 357A of the Code of
Iowa, and pursuant to § 6B.3, Code of Iowa (1995), states:

1. Applicant, Warren Water District is a rural water
district incorporated and organized pursuant to the provisions of
Chapter 357A of the Code of Iowa, with its principal place of
business at 708 North Avenue, Norwalk, Iowa 50211, and is
authorized to make this application under the provisions of
§357A.11(5) of the Code of Iowa (1995).

2. The Applicant seeks to acquire, by the process of eminent
domain, permanent and perpetual easements on, under, across and
through the real estate hereinafter set forth to erect, construct,
install, lay and thereafter use, operate, inspect, repair,
maintain, replace and remove water lines and appurtenances thereto.
Applicant shall have the right of ingress to and egress from said
strip of land across the described tract for these purposes. The
owners and other affected persons may continue to use and enjoy the
grounds within the easement areas, but subject to Applicant's
rights as set forth above; provided, however, that no building,
structure or other improvement shall be constructed upon the
easement strip which would directly interfere with Applicant's
rights hereby acquired, including access to the easement strip and
the safe operation of its water lines.

3. The purpose for which the condemnation is sought is an
easement for water lines for water distribution purposes over and
across the described real estate, said water distribution system to
serve residents of Warren County and Madison County, Iowa.

4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:

- (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
- (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to re-clear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
- (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.
- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be replaced by Applicant with tile of comparable quality.

5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.

6. That said land described in Exhibit "A" is agricultural property.

7. Exhibit "B" attached hereto, and by this reference made a part hereof, is a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.

8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.

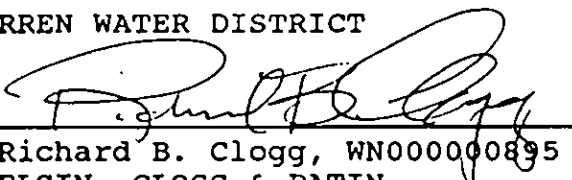
9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1995) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of Chapter 6B, Code of Iowa, as amended.

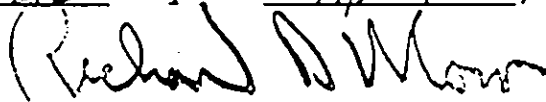
Dated this 25th day of April, 1995.

WARREN WATER DISTRICT

By 
Richard B. Clogg, WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of April, 1995.



CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

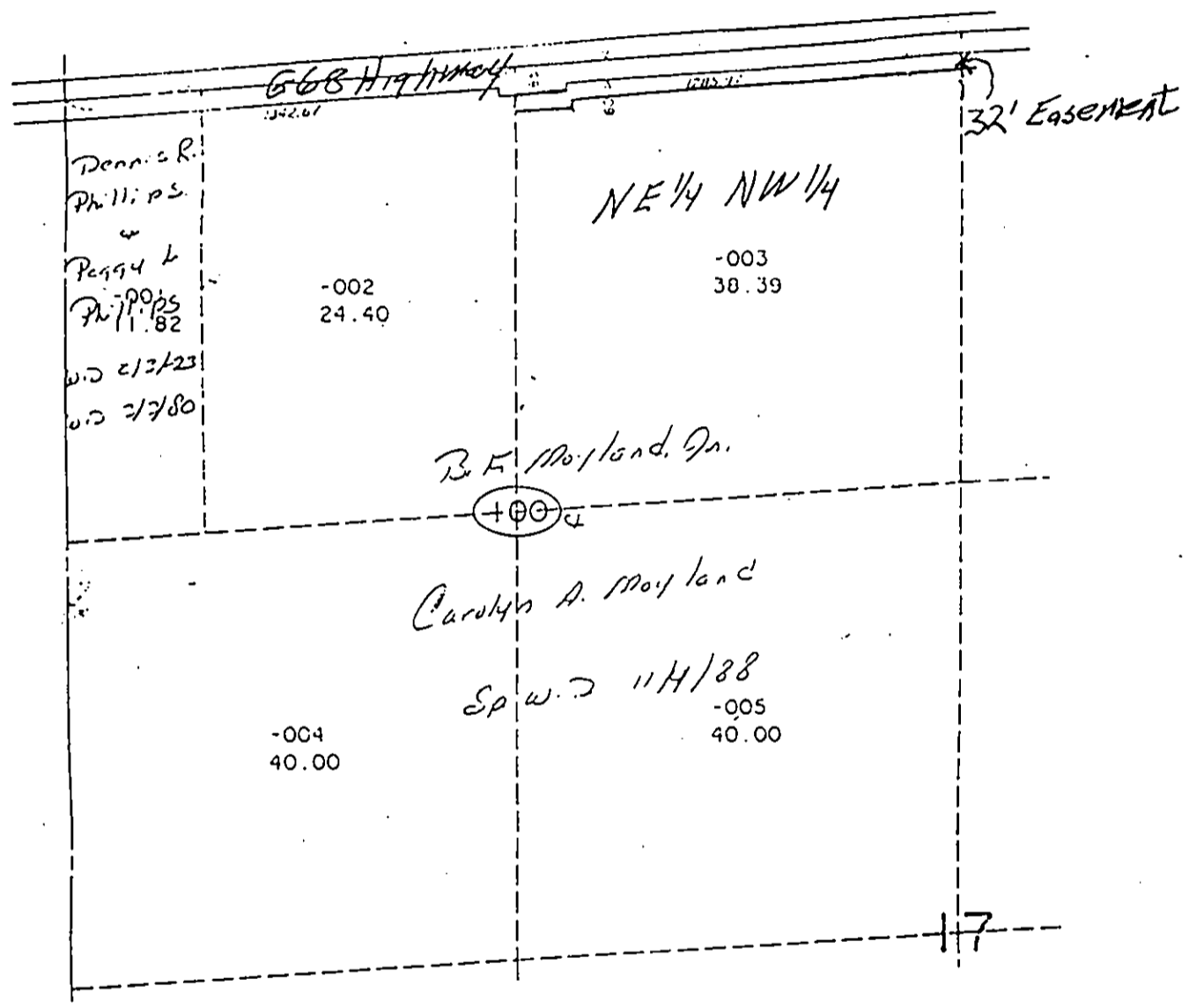
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW $\frac{1}{4}$ 17-74-26



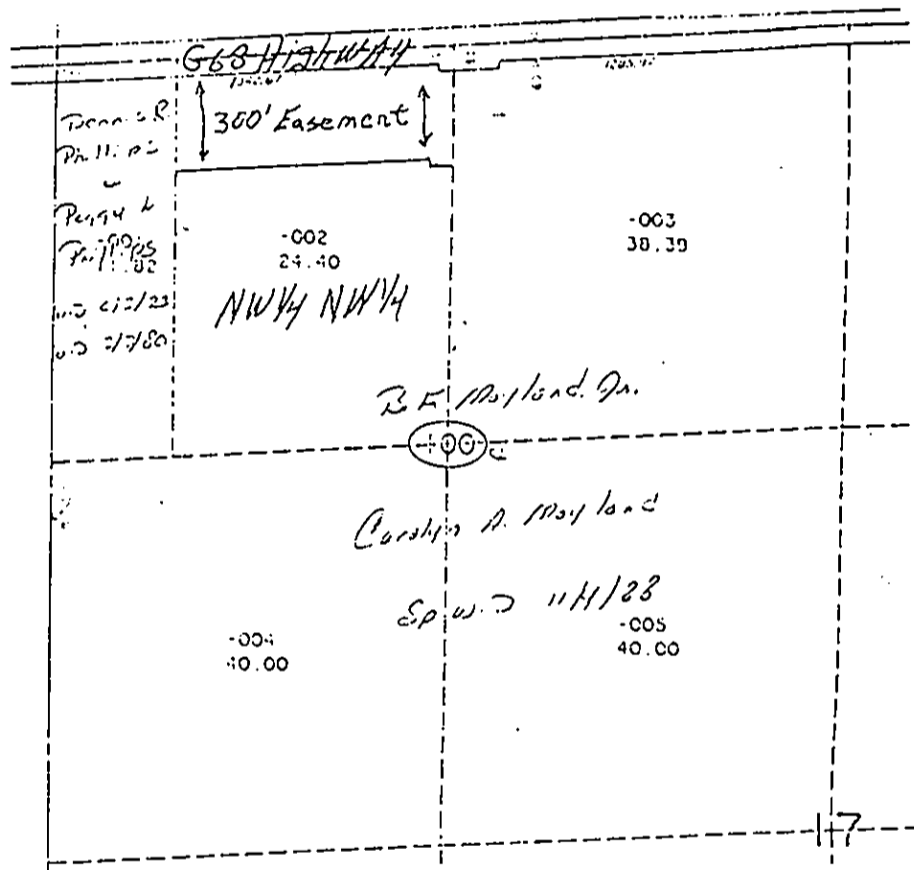
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW $\frac{1}{4}$ 17-74-26



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owners:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

Parcel No. M-0137-B - NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26

Property Owner:

B. F. Moyland, Jr.
Rt. 2, Box 61
Truro, Iowa 50357

Carolyn A. Moyland
Rt. 2, Box 61
Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa
c/o County Auditor
Madison County Courthouse
Winterset, Iowa 50273

160

IN THE IOWA DISTRICT COURT OF MADISON COUNTY

IN THE MATTER OF THE CONDEMNATION : OATH OF COMMISSIONERS
OF RIGHTS IN AGRICULTURAL LAND BY
WARREN WATER DISTRICT TO CONSTRUCT, :
OPERATE AND MAINTAIN A WATER
DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

STATE OF IOWA)
MADISON COUNTY)

THE UNDERSIGNED, HAVING BEEN FIRST DULY SWORN, EACH SEVERALLY STATES THAT HE OR SHE IS A RESIDENT OF MADISON COUNTY, IOWA, AND IS A PERSON POSSESSING THE REQUIRED QUALIFICATIONS; THAT HE OR SHE IS NOT INTERESTED IN THE MATTER OF THE CONDEMNATION BY THE CONDEMNOR, AND OF THE MATTERS HAVING BEEN DESCRIBED IN THE APPLICATION FOR CONDEMNATION, OR IN ANY LIKE QUESTION OR MATTER; THAT HE OR SHE WILL, TO THE BEST OF THEIR ABILITY, FAITHFULLY AND IMPARTIALLY ASSESS THE DAMAGES FOR THE CONDEMNATION OF SAID PROPERTY AND/OR EASEMENTS THEREOF; AND WILL MAKE WRITTEN REPORTS TO THE SHERIFF OF MADISON COUNTY, IOWA. THIS OATH IS TAKEN PURSUANT TO THE PROVISIONS OF SECTION 6B, CODE OF IOWA.

Don Noack
DON NOACK
LICENSED REAL ESTATE
BROKER/SALESPERSON

Pat Corkrean
PAT CORKREAN
LICENSED REAL ESTATE
BROKER/SALESPERSON

Loren Myers
LOREN MYERS
KNOWLEDGEABLE OF PROPERTY
BY VIRTUE OF OCCUPATION

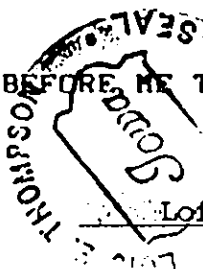
Jim Mease
JIM MEASE
KNOWLEDGEABLE OF PROPERTY
BY VIRTUE OF OCCUPATION

Raymond Clark
RAYMOND CLARK
AGRICULTURAL

Dean Molln
DEAN MOLLN
AGRICULTURAL


SUBSCRIBED AND SWORN TO BEFORE ME THIS
1995.

DAY OF June



Lois E. Thompson
Lois E. Thompson NOTARY PUBLIC

FILED IN MY OFFICE AT WINTERSET, MADISON COUNTY, IOWA THIS
6th DAY OF June, 1995.


PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

17

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF)
EASEMENT RIGHTS IN AGRICULTURAL LAND) SHERIFF'S CERTIFICATION
BY WARREN WATER DISTRICT TO CONSTRUCT,) OF
OPERATE AND MAINTAIN A WATER) COSTS AND AWARDS
DISTRIBUTION SYSTEM IN)
MADISON COUNTY, IOWA)
PHAWE III)

I CERTIFY THAT THE APPOINTED COMMISSIONERS IN THIS PROCEEDING
CONVENED AT THE MADISON COUNTY SHERIFF'S OFFICE ON THE 6TH DAY OF
JUNE, 1995, PROCEEDED TO VIEW THE PREMISES, AND ON THE
6TH DAY OF JUNE, 1995, FILED THEIR WRITTEN REPORT WITH
ME AWARDING DAMAGES AS FOLLOWS:

A. AWARDS MADE BY COMMISSION TO CONDEMNNEES

<u>NAME</u>	<u>ADDRESS</u>
B. F. MOYLAND	RR 1 BOX 61, TRURO, IOWA 50357
CAROLYN A MOYLAND	RR 1 BOX 61, TRURO, IOWA 50357
FIRST FEDERAL SAVINGS BANK, FSB,	612 N MAIN STREET
	ROCKFORD, IL 61103
MADISON COUNTY AUDITOR	COURTHOUSE, WINTERSET, IOWA 50273

TOTAL AWARD ~~900.00~~

B. DEPOSITS TO SHERIFF MADE BY CONDEMNOR

<u>NAME</u>	<u>AMOUNTS</u>	<u>DATES</u>
-------------	----------------	--------------

TOTAL AMOUNTS DEPOSITED 9 00.00

C. AWARDS OR DAMAGES PAID TO CONDEMNNEES

<u>NAME</u>	<u>AMOUNTS</u>	<u>DATES</u>
-------------	----------------	--------------

TOTAL AMOUNTS PAID TO CONDEMNNEES 900.00

8

D. COMMISSIONER'S FEES AND EXPENSES
NAMES

FEES & EXPENSES

1. DON NOACK	\$	58.64
2. PAT CORKREAN	\$	50.00
3. JIM MEASE	\$	50.00
4. LOREN MYERS	\$	55.40
5. RAYMOND CLARK	\$	57.16
6. DEAN MOLLN	\$	50.00
TOTAL	\$	321.20

DATE PAID JUNE 21, 1995


E. SHERIFF'S CIVIL FEES AND EXPENSES

SERVICE	\$	25.00
MILEAGE	\$	51.30
COUNTY FEES (POSTAGE)	\$	67.63
ATTEND COMMISSION	\$	60.00
RECORDING FEE	\$	UNKNOWN
TOTAL	\$	203.93

DATE PAID JUNE 21, 1995

- F. THE NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL WAS MAILED TO ALL INTERESTED PARTIES BY ORDINARY MAIL ON THE 6TH DAY OF JUNE, 1995.
- G. THE APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER FOR MADISON COUNTY, IOWA, ON THE 2ND DAY OF MAY, 1995, RECORDED WITH THE FOLLOWING BOOK, PAGE OR INSTRUMENT NUMBER: DEED RECORD BOOK 134 AT PAGE 295.

I FURTHER CERTIFY THAT THE ATTACHED PAPERS ARE THE FULL AND COMPLETE ORIGINAL FILES IN THE PROCEEDINGS AND THE STATEMENTS ACCOMPANYING THE SAME ARE CORRECT AND TRUE. GIVEN UNDER MY HAND THIS 21ST DAY OF JULY, 1995.


PAUL D. WELCH, SHERIFF OF
MADISON COUNTY, IOWA

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION)
 OF EASEMENT RIGHTS IN AGRICULTURAL) CONDEMNATION COMMISSIONER'S
 LAND BY WARREN WATER DISTRICT TO) CERTIFICATION OF COSTS
 CONSTRUCT, OPERATE AND MAINTAIN A)
 WATER DISTRIBUTION SYSTEM)
 IN MADISON COUNTY, IOWA)

RE: PHASE III
 PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
 PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO THE SHERIFF OF MADISON COUNTY:

I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE

6 DAY OF June, 1995, ARE AS FOLLOWS AND THAT THESE CLAIMS ARE DUE, JUST AND UNPAID.

1 DAY SERVICE AT \$50.00.....\$ 50.00
82 MILES AT \$.27.....\$ 8.64
 _____ MEALS.....\$ _____
 _____ PARKING.....\$ _____

Now Noack
COMMISSIONER

ADDRESS: 1059 Badger C. Rd.
VAN Metwix - 56261

TELEPHONE: 515-996-2700

FILED IN MY OFFICE AT WINTERSSET, MADISON COUNTY, IOWA, THIS

6 DAY OF June, 1995.

Paul D. Welch

PAUL D. WELCH, SHERIFF OF
MADISON COUNTY, IOWA

10

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION)	
OF EASEMENT RIGHTS IN AGRICULTURAL)	CONDEMNATION COMMISSIONER'S
LAND BY WARREN WATER DISTRICT TO)	CERTIFICATION OF COSTS
CONSTRUCT, OPERATE AND MAINTAIN A)	
WATER DISTRIBUTION SYSTEM)	
IN MADISON COUNTY, IOWA)	

RE: PHASE III
 PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
 PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO THE SHERIFF OF MADISON COUNTY:
 I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE
 CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE

6 DAY OF June, 1995, ARE AS FOLLOWS AND THAT THESE
 CLAIMS ARE DUE, JUST AND UNPAID.

<u>1</u> DAY SERVICE AT \$50.00.....	\$ <u>50⁰⁰</u>
<u> </u> MILES AT \$.27.....	\$ <u>0</u>
<u> </u> MEALS.....	\$ <u>0</u>
<u> </u> PARKING.....	\$ <u>0</u>

Robert F. Cook
 COMMISSIONER

ADDRESS: 719 North 8th Ave
Winterset, Ia 50273

TELEPHONE: 462-2549
 MADISON COUNTY, IOWA, THIS

FILED IN MY OFFICE AT WINTERSET,
6th DAY OF June, 1995.

Paul D. Welch, Sheriff
 PAUL D. WELCH, SHERIFF OF
 MADISON COUNTY, IOWA

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION)
 OF EASEMENT RIGHTS IN AGRICULTURAL) CONDEMNATION COMMISSIONER'S
 LAND BY WARREN WATER DISTRICT TO) CERTIFICATION OF COSTS
 CONSTRUCT, OPERATE AND MAINTAIN A)
 WATER DISTRIBUTION SYSTEM)
 IN MADISON COUNTY, IOWA)

RE: PHASE III
 PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
 PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO THE SHERIFF OF MADISON COUNTY:
 I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE
 CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE

6 DAY OF June, 1995, ARE AS FOLLOWS AND THAT THESE
 CLAIMS ARE DUE, JUST AND UNPAID.

1 DAY SERVICE AT \$50.00.....\$ 50 -
20 MILES AT \$.27.....\$ 5.40
 MEALS.....\$ _____
 PARKING.....\$ 55.40

Lynn Myron
 COMMISSIONER
 Box 82 RR1
 ADDRESS: Macksburg Ia
50155

TELEPHONE: 515-768-2349

FILED IN MY OFFICE AT WINTERSSET, MADISON COUNTY, IOWA, THIS

6th DAY OF June, 1995.

Paul D. Welch, Sheriff
 PAUL D. WELCH, SHERIFF OF
 MADISON COUNTY, IOWA

2-

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION)
OF EASEMENT RIGHTS IN AGRICULTURAL) CONDEMNATION COMMISSIONER'S
LAND BY WARREN WATER DISTRICT TO) CERTIFICATION OF COSTS
CONSTRUCT, OPERATE AND MAINTAIN A)
WATER DISTRIBUTION SYSTEM)
IN MADISON COUNTY, IOWA)

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO THE SHERIFF OF MADISON COUNTY:

I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE
CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE
6th DAY OF June, 1995, ARE AS FOLLOWS AND THAT THESE
CLAIMS ARE DUE, JUST AND UNPAID.

1 DAY SERVICE AT \$50.00.....\$ 50.00
_____ MILES AT \$.27.....\$ ---
_____ MEALS.....\$ ---
_____ PARKING.....\$ ---

[Signature]
COMMISSIONER
ADDRESS: 315 West Green St
Winterset, Iowa 50573

TELEPHONE: 515-762-3438

FILED IN MY OFFICE AT WINTERSET, MADISON COUNTY, IOWA, THIS
6th DAY OF June, 1995.

[Signature]
PAUL D. WELCH, SHERIFF OF
MADISON COUNTY, IOWA

3

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION)	
OF EASEMENT RIGHTS IN AGRICULTURAL)	CONDEMNATION COMMISSIONER'S
LAND BY WARREN WATER DISTRICT TO)	CERTIFICATION OF COSTS
CONSTRUCT, OPERATE AND MAINTAIN A)	
WATER DISTRIBUTION SYSTEM)	
IN MADISON COUNTY, IOWA)	

RE: PHASE III
 PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
 PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO THE SHERIFF OF MADISON COUNTY:
 I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE
 CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE

6 DAY OF June, 1995, ARE AS FOLLOWS AND THAT THESE
 CLAIMS ARE DUE, JUST AND UNPAID.

<u>1</u> DAY SERVICE AT \$50.00.....	\$ <u>50.00</u>
<u>28</u> MILES AT \$.27.....	\$ <u>7.16</u>
MEALS.....	\$ _____
PARKING.....	\$ _____

Raymond Clark
 COMMISSIONER

ADDRESS: _____

TELEPHONE: _____

FILED IN MY OFFICE AT WINTERSET, MADISON COUNTY, IOWA, THIS
6th DAY OF June, 1995.

Paul D. Welch, Sheriff
 PAUL D. WELCH, SHERIFF OF
 MADISON COUNTY, IOWA

24

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION)
 OF EASEMENT RIGHTS IN AGRICULTURAL) CONDEMNATION COMMISSIONER'S
 LAND BY WARREN WATER DISTRICT TO) CERTIFICATION OF COSTS
 CONSTRUCT, OPERATE AND MAINTAIN A)
 WATER DISTRIBUTION SYSTEM)
 IN MADISON COUNTY, IOWA)

RE: PHASE III
 PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
 PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO THE SHERIFF OF MADISON COUNTY:

I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE

6 DAY OF June, 1995, ARE AS FOLLOWS AND THAT THESE CLAIMS ARE DUE, JUST AND UNPAID.

 DAY SERVICE AT \$50.00.....\$ 50.00
 MILES AT \$.27.....\$
 MEALS.....\$
 PARKING.....\$

Dean Moll
 COMMISSIONER

ADDRESS: 724 E Jefferson
Winterset Iowa 50273

TELEPHONE:

FILED IN MY OFFICE AT WINTERSSET, MADISON COUNTY, IOWA, THIS

6th DAY OF June, 1995.

Paul D. Welch, Sheriff
 PAUL D. WELCH, SHERIFF OF
 MADISON COUNTY, IOWA

RETURN OF SERVICE

FORM 141-Q June 1989

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY
IN THE MATTER OF THE CONDEMNATION OF RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA, VS MOYLAND ETAL

Type of Service Code

Case No.
Notice Rec'd this date May 2, 1995
STATE OF IOWA
MADISON County

- Personal
Dwelling/Substitute
Hotel, Boarding/Rooming House
Corporation/Association
Official (State, County, City)
Spouse away from residence
Other

I certify that I served a copy of:
Petition and Original Notice
Modification/Application and Notice
Order to Show Cause

Order Filed
Writ
Other Notice of Condemnation and

Served: Assessment hearing Before Compensation Commission

B. F. Moyland, Jr. at RR 2 Box 61 on May 13, 1995
Carolyn A. Moyland at RR 2 Box 61, Truro, IA on May 13, 1995

(Name) on (Address) (a person residing therein who was then at least 18 years old) or (Spouse away from residence). (Strike non-applicable part.)

(Company/Government Unit Name) by serving (Name) its (Title) on (Date) at

NOTE: (Diligent Search, etc.)

Paul D. Welch, Sheriff
Madison County, Iowa
Ken Burk, Deputy Official Title

Table with 2 columns: Fee Name, Amount. Rows: Processing (\$15.00), Mileage (\$29.16), Copy (\$.50), Notary (\$), TOTAL (\$44.66)

Fees charged to/paid by Atty/Elgin, Clogg & Patin

NOTE: Copy of Original Notice, if served, must be attached to this form.

34 —

IN THE MATTER OF THE CONDEMNATION OF RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA,

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
MAY 2 1995
9:52
BY: <i>W</i>

Re: Phase III
Parcel M-0137-A - (NE¼ NW¼ 17-74-26)
Parcel M-0137-B - (NW¼ NW¼ 17-74-26)

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: B. F. Moyland, Jr. Rt. 2, Box 61, Truro, Iowa 50357; Carolyn A. Moyland, Rt. 2, Box 61, Truro, Iowa 50357; First Federal Savings Bank, FSB, 612 N. Main Street, Rockford, Illinois 61103; and Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE¼ NW¼) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

The East 28 acres of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application, filed on April 26, 1995 with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and filed in the Office of the Sheriff of Madison County, Iowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected

persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

PARCEL NO. M-0137-A A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent the to the South G68 Highway Right-of-way from the East boundary line of the property to the West boundary of the property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

PARCEL NO. M-0137-B A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land) adjacent to the South G68 Highway Right-of-way from the East boundary line of the property to the West boundary of the property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

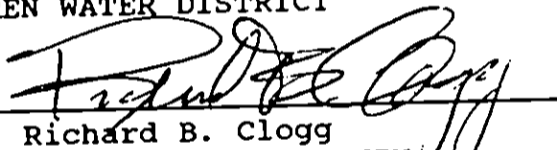
That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Warren County, Iowa and Madison County, Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation.

That said Commission will, on the 6th day of June, 1995, at 8:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Second Floor Jury Room in the Madison County Courthouse, Winterset, Iowa and proceed to appraise and award said damages. You may participate in these proceedings and appear before the commissioners, if you care to do so.

Dated this 28th day of April, 1995.

WARREN WATER DISTRICT

By: 
Richard B. Clogg
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

RETURN OF SERVICE

FORM 141-Q June 1989

IN THE IOWA DISTRICT COURT FOR ASSESSMENT, MADISON COUNTY
IN THE MATTER OF THE CONDEMNATION OF RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA,
Case Name VS MOYLAND ETAL

Case No.
Notice Rec'd this date May 2, 1995

STATE OF IOWA
MADISON County ss.

- RETURN OF SERVICE:
Personal 1
Dwelling/Substitute 2
Hotel, Boarding/Rooming House 3
Corporation/Association 4
Official (State, County, City) 5
Spouse away from residence 6
Other 7

I certify that I served a copy of:

- Petition and Original Notice
Modification/Application and Notice
Order to Show Cause
Order Filed
Writ
Other Notice of Condemnation and Assessment Hearing Before Compensation Commission

Served:

(Name) at (Address) on (Date)
by serving (Name) at (Address)

on (a person residing therein who was then at least 18 years old) or (Spouse away from residence). (Strike non-applicable part.)

MADISON COUNTY, IOWA by serving Joan Welch 5
Auditor on May 2, 1995 at Madison County Courthouse Winterset, Iowa

NOTE: (Diligent Search, etc.)

Paul D. Welch, Sheriff
Madison County, Iowa
Ken Burk, Deputy Official Title

Table with 2 columns: Item, Amount. Rows: Processing \$ 10.00, Mileage \$ 2.70, Copy \$.50, Notary \$, TOTAL \$ 13.20

Fees charged to/paid by Party:
Richard B. Clogg, ELGIN, CLOGG & PATIN

NOTE: Copy of Original Notice, if served, must be attached to this form.

IN THE MATTER OF THE CONDEMNATION OF RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA,

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
MAY - 2
9:52
W

Re: Phase III
Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)

**NOTICE OF CONDEMNATION AND ASSESSMENT HEARING
BEFORE COMPENSATION COMMISSION**

TO: B. F. Moyland, Jr. Rt. 2, Box 61, Truro, Iowa 50357; Carolyn A. Moyland, Rt. 2, Box 61, Truro, Iowa 50357; First Federal Savings Bank, FSB, 612 N. Main Street, Rockford, Illinois 61103; and Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

The East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application, filed on April 26, 1995 with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and filed in the Office of the Sheriff of Madison County, Iowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected

persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

PARCEL NO. M-0137-A A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent the to the South G68 Highway Right-of-way from the East boundary line of the property to the West boundary of the property in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

PARCEL NO. M-0137-B A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land) adjacent to the South G68 Highway Right-of-way from the East boundary line of the property to the West boundary of the property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Warren County, Iowa and Madison County, Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation.

That said Commission will, on the **6th day of June, 1995**, at **8:00 o'clock A.M.** convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Second Floor Jury Room in the Madison County Courthouse, Winterset, Iowa and proceed to appraise and award said damages. You may participate in these proceedings and appear before the commissioners, if you care to do so.

Dated this 28th day of April, 1995.

WARREN WATER DISTRICT

By: 

Richard B. Clogg
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

AFFIDAVIT OF PUBLICATION

STATE OF IOWA
SS.
Madison County

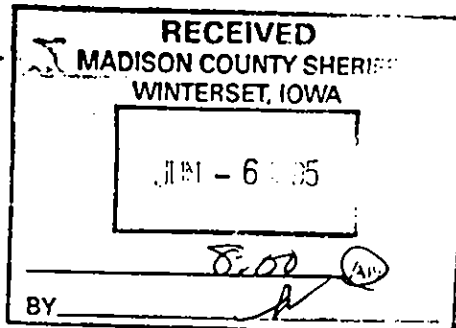
TED GORMAN BEING DULY SWORN
SAYS HE IS PUBLISHER OF THE
WINTERSET MADISONIAN, a once weekly
newspaper of general circulation, published in
Winterset, Iowa, and that the notice, a copy which is
annexed and made part hereof, was correctly
published in said newspaper

for the period of four consecutive weeks,
the last publication thereof being on the 24th day
of May, 1995

Subscribed and sworn to before me this 24th day of
May, 1995

Lynn M. Gheer
NOTARY PUBLIC
In and for Madison County

Fee \$ 122.03



NOTICE OF CONDEMNATION AND
ASSESSMENT HEARING BEFORE
COMPENSATION COMMISSION
In The Matter Of The Condemnation Of Rights
In Agricultural Land By Warren Water District To
Construct, Operate And Maintain A Water
Distribution System In Madison County, Iowa
Re: Phase III

Parcel M-0137-A - (NE1/4 NW1/4 17-74-26)
Parcel M-0137-B - (NW1/4 NW1/4 17-74-26)

TO: B.F. Moyland, Jr. Rt. 2, Box 61, Truro, Iowa 50357; Carolyn A. Moyland, Rt. 2, Box
61, Truro, Iowa 50357; First Federal Savings Bank, FSB, 612 N. Main Street, Rockford,
Illinois 61103; and Madison County, Iowa, c/o County Auditor, Madison County
Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corpora-
tions having any interest in or owning any of the following described real estate:

PARCEL NO. M-0137-A
The Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 17,
Township 74 North, Range 28 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B
The East 28 acres of the Northwest Quarter of the Northwest Quarter (NW1/4
NW1/4) of Section 17, Township 74 North, Range 28 West of the 5th P.M., Madison
County Iowa.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District
("Applicant"), a rural water district incorporated and organized pursuant to the provi-
sions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in
the land described above, as more specifically described herein and in the applica-
tion, filed on April 26, 1995 with the Chief Judge of the Fifth Judicial District includ-
ing Madison County, Iowa, and filed in the Office of the Sheriff of Madison County,
Iowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, permanent and
perpetual easements thirty-two (32) feet in width on, under, across and through the
above-described real estate to erect, construct, install, lay and thereafter use, oper-
ate, inspect, repair, maintain, replace and remove water lines and appurtenances
thereto. Warren Water District shall have the right of ingress to and egress from
strip of land across the described tract for these purposes. The owners and other af-
fected persons may continue to use and enjoy the grounds within the easement ar-
eas, but subject to Applicant's rights as set forth above; provided, however, that no
building, structure or other improvement shall be constructed upon the easement
strip which would directly interfere with Applicant's rights hereby acquired, including
access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:
PARCEL NO. M-0137-A A perpetual easement for erection, construction, instal-
lation, laying and thereafter use, operation, inspection, repair, maintenance, re-
placement and removal of water lines and appurtenances thereto, over, across and
through the following described real estate situated in Madison County, Iowa, to-wit:
A 32 foot wide parcel of land adjacent to the South 688 Highway Right-of-way from
the East boundary line of the property to the West boundary of the property in the
Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 17, Township
74 North, Range 28 West of the 5th P.M., Madison County, Iowa.

PARCEL NO. M-0137-B. A perpetual easement for erection, construction, instal-
lation, laying and thereafter use, operation, inspection, repair, maintenance, re-
placement and removal of water lines and appurtenances thereto; over, across and
through the following described real estate situated in Madison County, Iowa, to-wit:
A Three Hundred (300) foot wide parcel of land adjacent to the South 688 Highway
Right-of-way from the East boundary line of the property to the West boundary of
the property, provided that after construction of said pipe line, the easement shall be a
thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as
constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter
(NW1/4 NW1/4) of Section 17, Township 74 North, Range 28 West of the 5th P.M.,
Madison County, Iowa.

That such condemnation is sought for the following purpose: the right to erect,
construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace
and remove water lines and appurtenances thereto, over, across and through the
above described real estate for a water distribution system to serve residents of War-
ren County, Iowa and Madison County, Iowa.

That a Commission has been appointed as provided by law for the purpose of ap-
praising and awarding damages which will be caused by said condemnation.

That said Commission will, on the 6th day of June, 1995, at 8:00 o'clock A.M. con-
vene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset,
Iowa, and immediately thereafter view said premises. The commissioners will then
return to the Second Floor Jury Room in the Madison County Courthouse, Winterset,
Iowa and proceed to appraise and award said damages. You may participate in
these proceedings and appear before the commissioners, if you care to do so.

Dated this 28th day of April, 1995.

WARREN WATER DISTRICT
By: Richard B. Clogg
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574
ATTORNEYS FOR APPLICANT.
WARREN WATER DISTRICT

122.03

29

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,

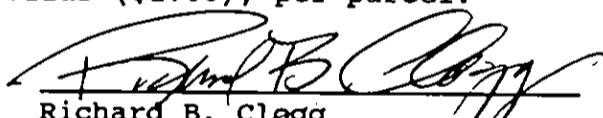
RE: PHASE III;

Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)

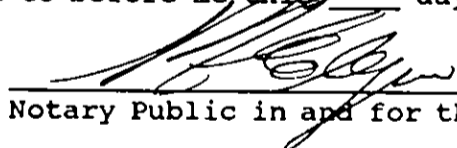
AFFIDAVIT OF FINAL OFFER

STATE OF IOWA :
: ss.
COUNTY OF WARREN :

I, Richard B. Clogg, in compliance with § 6B.33, Code of Iowa (1995), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1.00), per parcel.

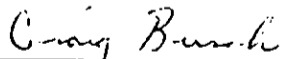

Richard B. Clogg

Subscribed and sworn to before me this 6th day of June, 1995.


Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 6th day of June, 1995.

Sheriff of Madison County, Iowa

By: 
Deputy Craig Busch

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IN THE MATTER OF THE CONDEMNATION)
OF EASEMENT RIGHTS IN AGRICULTURAL)
LAND BY WARREN WATER DISTRICT TO)
CONSTRUCT, OPERATE AND MAINTAIN A)
WATER DISTRIBUTION SYSTEM IN)
MADISON COUNTY, IDWA)

**REPORT OF COMPENSATION
COMMISSION**

RE: PHASE III

PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-36)
PARCEL M-0137-B - (NE 1/4 NW 1/4 17-74-26)

TO: PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA

WE, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED COMMISSIONERS APPOINTED TO ASSESS THE DAMAGES SUSTAINED BY THE OWNERS, LIENHOLDERS, ENCUMBRANCERS AND OTHER PERSONS INTERESTED IN THE APPROPRIATION OF CERTAIN SPECIFIED RIGHTS AS SET FORTH AND DESCRIBED IN THE NOTICE OF CONDEMNATION FILED IN THIS PROCEEDING RESPECTFULLY SUBMIT THE REPORT PROVIDED BELOW.

AFTER HAVING VIEWED THE PREMISES AT THE TIME OR TIMES FIXED IN THE NOTICE, WE ASSESS AND APPRAISE THE DAMAGES WITH THE RESPECTIVE PERSON(S) WILL SUSTAIN BY REASON OF THE APPROPRIATION

AS FOLLOWS:

PARCEL NO. M-0137-A - NE 1/4 NW 1/4 17-74-26

CONDEMNEE(S)	LAND	PERSONAL PROPERTY	SUBTOTAL AWARD
B F MOYLAND, JR	\$ 0	\$ 0	\$ 0
CAROLYN M MOYLAND	\$ 0	\$ 0	\$ 0
MORTGAGEE:			
FIRST FEDERAL SAVINGS BANK, FSB	\$ 0	\$ 0	\$ 0

TOTAL AWARD \$ _____

PARCEL NO. M-0137-B - NW 1/4 NW 1/4 17-74-26

CONDEMNEE(S)	LAND	PERSONAL PROPERTY	SUBTOTAL AWARD
B F MOYLAND, JR	\$ 0	\$ 0	\$ 0
CAROLYN M MOYLAND	\$ 0	\$ 0	\$ 0
MORTGAGEE:			
FIRST FEDERAL SAVINGS BANK, FSB	\$ 0	\$ 0	\$ 0

TOTAL AWARD \$ 0

RESPECTFULLY REPORTED AT MADISON COUNTY, IOWA, THIS
DAY OF 6-6, 1995.

Raymond Clark
John Mease
Raymond Clark

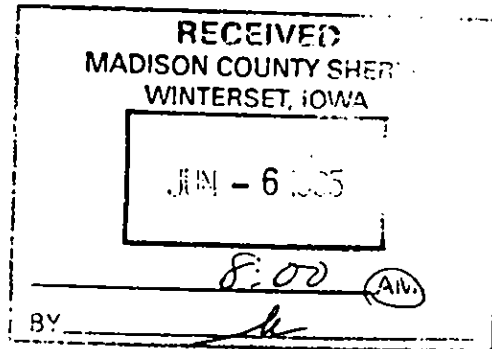
Robert Luch
Don Meach

I CERTIFY THAT THE ABOVE AMOUNTS ARE LEGALLY PAYABLE TO EACH CLAIMANT, AND THAT PAYMENT HAS NOT BEEN RECEIVED.

6 FILED IN MY OFFICE AT WINTerset, MADISON COUNTY, IOWA, THIS
DAY OF June, 1995.

Paul D. Welch, Sheriff
PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

31
IN THE MATTER OF THE CONDEMNATION OF
RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA,



Re: Phase III
Parcel M-0137-A - (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)
Parcel M-0137-B - (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17-74-26)

AFFIDAVIT RE: PUBLICATION AND MAILING OF NOTICE

STATE OF IOWA, COUNTY OF WARREN: ss

I, Richard B. Clogg, being first duly sworn on oath, depose and state that I am attorney for Warren Water District, Applicant in the above-captioned condemnation proceeding.

I further state that the following persons interested in said proceedings are nonresidents of the State of Iowa:

First Federal Savings Bank, FSB
612 N. Main Street
Rockford, Illinois 61103

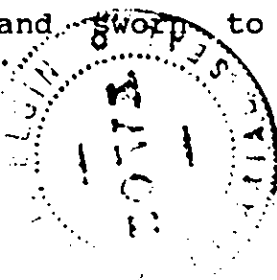
I further state that the said First Federal Savings Bank, FSB is a lienholder or encumbrancer of the land described in the above-captioned condemnation proceeding by reason of a Mortgage dated June 24, 1993 and filed June 29, 1993 in Book 167, Page 743, Office of the Recorder of Madison County, Iowa.

I further state that true copies of the Application for Condemnation dated April 26, 1995 and the Notices of Condemnation and Assessment dated April 28, 1995, were mailed to said persons at their last known post office addresses as shown above on May 1, 1995.

I further state that pursuant to Section 6B.12, Code of Iowa (1995), I caused Notice of Condemnation and Assessment hearing Before Compensation Commission to be published in a newspaper of Madison County and of general circulation therein to be published once each week for four successive weeks prior to the day fixed for the appraisal which was at least thirty days after the first publication of the notice.

[Signature]
Richard B. Clogg

Subscribed and sworn to before me this 5th day of June, 1995.



[Signature]
Notary Public

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IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA,

RECEIVED
MADISON COUNTY SHEET
WINTERSET, IOWA
- 6
BY *R. Clogg*

RE: PHASE III;

Parcel M-0137-A - (NE 1/4 NW 1/4 17-74-26)
Parcel M-0137-B - (NW 1/4 NW 1/4 17-74-26)

AFFIDAVIT OF NONMILITARY SERVICE

STATE OF IOWA :
 : ss.
COUNTY OF WARREN :

I, Richard B. Clogg, being first duly sworn on oath, depose and state that I am attorney for Warren Water District, and am responsible for condemnation of right-of-way for this captioned project, and that I am qualified to make this affidavit; that none of the persons holding any legal right to the real property described in Exhibit "A" attached hereto, and by this reference made a part hereof, are in the active service or on active duty in any of the United States Armed Forces and none come within the provisions of the Soldiers and Sailors Relief Act of 1940, and the amendments thereto.

Richard B. Clogg
Richard B. Clogg

Subscribed and sworn to before me this 5th day of June, 1995.

[Signature]
Notary Public in and for the State of Iowa



EXHIBIT "A"

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

PARCEL NO. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.