Compared

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $25.00
5pgs.

EASEMENT FOR WATER RIGHTS

This easement for water rights, granted by Gendler Stone Products, Inc. ("Gendler"), 1075 Polk Boulevard, Des Moines, Iowa 50312 to Donald H. Zarley, 3709 Southern Hills Drive, Des Moines, Iowa 50321 ("Zarley") this 19th day of November, 1985, said easement being defined hereafter and being granted by Gendler to Zarley for $1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged.

1. Zarley is the equitable owner of the following property in Madison County, Iowa.

> All of that part of the East half (1/2) of the Southwest Quarter (1/4) which lies Northwesterly of the Public Highway as now established and presently designated as Iowa Primary Road #92, of Section Twenty-seven (27) in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.

2. Gendler is the owner of the real property to the north and west of Zarley's aforesaid property, and including the Northwest Quarter (1/4) of said Section Twenty-seven (27), which encompasses Cedar Creek in the Northern portion thereof, and including the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-two (22) in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, which also encompasses a portion of Cedar Creek in the Southeast portion thereof.

3. Both the Zarley and Gendler properties are bordered on the east by a Madison County road as generally shown on the attached map in Exhibit A. Existing fences running parallel to said Madison County road border the east edge of the Zarley and Gendler properties.

4. Gendler hereby grants to Zarley the following easement along the east side of the Northeast Quarter (1/4) of said Section Twenty-seven (27); and in the Southeast corner of the Southeast Quarter (1/4) of said Section twenty-two (22):

A. Zarley may dig a vertical well at a location substantially 30 feet west of the Gendler east fence, in the above-described Southeast corner of said Section Twenty-two (22) and approximately 250 feet south of the center of the existing Cedar Creek.

B. Zarley may run an underground line suitable to service said well in a direction running east from said well towards Gendler's east fence. In a zone ten feet in width immediately west of Gendler's east fence, and running south to Zarley's property, Zarley may then run said line in a southerly direction to the Zarley property. The line shall be buried at a depth of at least 3-1/2 feet, and shall be as close as possible to the Gendler east fence. The excavation for said line will be properly backfilled so that the ground surface will be adequately restored. The line shall not

depart from said ten-foot-wide zone unless underlying rock formations or unusually dense forest growth necessitate such departure.

C. This easement will inure to the benefit of Zarley, his heirs, assigns, and all subsequent owners of the Zarley property. All parties who take Zarley's property subsequent to Zarley will be bound by the terms and conditions of this easement.

D. Zarley may enter the Gendler property from time to time as might be necessary to service or repair said well or line, but Zarley will always leave the Gendler property in its original state as nearly as practicably possible when such entry is required.

E. Zarley holds harmless Gendler and all subsequent owners taking from Gendler from any liability of any kind whatsoever resulting from the presence of said well, said line, or activities pertaining to said well and said line. This responsibility is limited to the party which owns the Zarley property at the time such liability arises.

GENDLER STONE PRODUCTS, INC.

By Stanley Isaacson
Stanley Isaacson,
President

STATE OF IOWA :
: ss
COUNTY OF POLK :

On this 19th day of November, 1985, before me, the undersigned a Notary Public in and for said state, personally appeared STANLEY ISAACSON, to me personally known, who being by me duly sworn, did say that he is the President of Gendler Stone Products, Inc.; that said above and foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors and that the said STANLEY ISAACSON, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

ESTHER HOUGHAM Iowa NOTARIAL SEAL

Esther C. Houghaw
Notary Public in and for the
State of Iowa

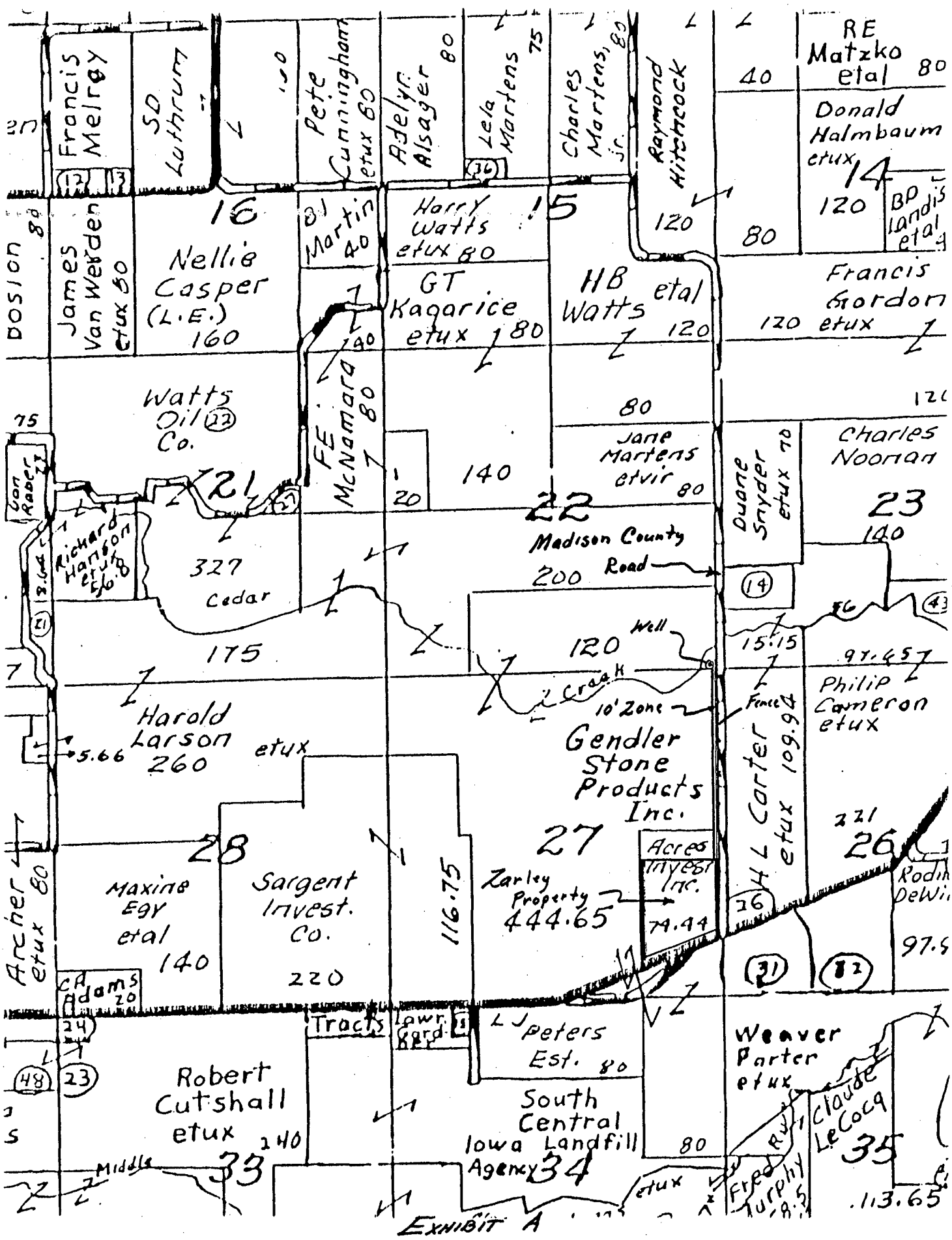
Donald H. Zarley

STATE OF IOWA :
: ss
COUNTY OF POLK :

On this 19th day of November, 1985, before me, the undersigned a Notary Public in and for said state, personally appeared DONALD H. ZARLEY, to me personally known, and signed the above document as his free and voluntary act.

RUTH E. FISHER Iowa NOTARIAL SEAL

Ruth E. Fisher
Notary Public in and for the
State of Iowa


Francis Melroy
SO Lathrum
Pete Cunningham etux 80
Adelyn Alsager 80
Lela Martens 75
Charles Martens, jr. 80
Raymond Hitchcock
RE Matzko etal 80
Donald Halmbaum etux
14
120
BP Landis etal
James Van Werden etux 80
16
Nellie Casper (L.E.) 160
Martin 40
Harry Watts etux 80
15
GT Kagarice etux 180
HB Watts etal 120
Francis Gordon 120 etux
Watts Oil Co.
21
FE McNamara 80
140
Jane Martens etvir 80
Duane Snyder etux 70
Charles Noonan
23
140
22
Madison County Road
200
Richard Hanson etux 5.6.8
327 Cedar
175
Well
120
Creek
10' Zone
Fence
15.15
9.7.457
Philip Cameron etux
Harold Larson etux 260
5.66
Gendler Stone Products Inc.
27
Acres Invest Inc.
79.44
Zarley Property 444.65
116.75
28
Maxine Egr etal 140
Sargent Invest. Co. 220
Archer etux 80
CA Adams 20
Tracts
Lawr Yard
LJ Peters Est. 80
Weaver Parter etux
Claude LeCocq
35
Robert Cutshall etux 240
33
South Central Iowa Landfill Agency
34
Middle
Fred Murphy
113.65
EXHIBIT A