FILED NO. 1733
BOOK 111 PAGE 233
1974 OCT 22 PM 2:52
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $48.50

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : APPLICATION FOR CONDEMNATION
BADGER CREEK WATER SHED SUBDISTRICT : OF PROPERTY.

TO.....GIBSON C. HOLLIDAY, CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA.

COMES NOW Badger Creek Water Shed Subdistrict and hereby makes application under the provisions of 472.3 of the 1973 Code of Iowa, and in support of said Application, states:

IND. ✓
REC. ✓
PAGE ✓

Par. 1

A description of all the property in the county, affected or sought to be condemned, by its Congressional Numbers, in tracts not exceeding one-sixteenth of a Section is as follows:

The Southeast Quarter (¼) of the Southeast Quarter (¼); the Southwest Quarter (¼) of the Southeast Quarter (¼); and the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Ten (10) and the Northeast Quarter (¼) of the Northwest Quarter (¼) of Section Fifteen (15), all in Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa. A plat of said property is attached hereto and marked Exhibit "A" and by this reference made a part of this application.

The exact legal description of that portion of said real estate which is sought to be condemned is as follows:

As occasional flowage easement, with perpetual right, privilege and easement in, over and upon and across the Northeast Quarter (¼) of the Northwest Quarter (¼) of Section Fifteen (15), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, occasionally to flow and submerge the land up to an elevation of 925.9 mean sea level, said land situated in the Badger Creek Water Shed in Madison County, Iowa, and for the operation, inspection and maintenance of said area to be flooded together with the right of ingress and egress to the condemnor or its authorized agents at any time over and upon the property sought to be condemned.

A plat showing the location of the right-of-way or other property sought to be condemned with reference to such description is shown on Exhibit "B" attached hereto and by this reference made a part of this application.

Par. 2

The names of all record owners of the land referred to in Exhibits "A" and "B" and of all record holders of liens and incumbrances on such land and the place of residence of all such persons so far as is known to this applicant, is as follows:

The Owners:	Place of Residence:
Selma W. Radke	R. R. Van Meter, Iowa
Occupant:	
Herman A. Radke	R. R. Van Meter, Iowa
Name of Mortgage or Lien Holder:	
Estate of R. K. Craft Hazel M. Craft, Administrator	1405 Court Street Adel, Iowa

Par. 3

Said condemnation is sought for the purpose of acquiring an easement as more fully described in paragraph one of this Application.

Par. 4

This applicant requests the appointment of a commission to appraise damages.

WHEREFORE, the applicant prays for the appointment of a commission to assess damages as provided by Iowa Code Section 472.4 and following of the 1973 Code of Iowa.

Dated this 3 day of September, 1974.

BADGER CREEK WATER SHED SUBDISTRICT

By Jerrold B. Oliver
Jerrold B. Oliver, Madison County Attorney

Received
Sept 6 1974
Robert Holliday
Chief Judge

Filed in my office Sept. 12, 1974.
Rep Reese, Sheriff
Madison County, Ia.

RECORDED
Date ____ ____ ____ 19____
Book ____ Page ____ ____

PLAT OF PROPERTY

Acquired From SELMA W. RADKE, single

Area 63.3± Acres. Consideration ____

Acquired By ____ Project No. SITE M-1-A TRACT No. 25

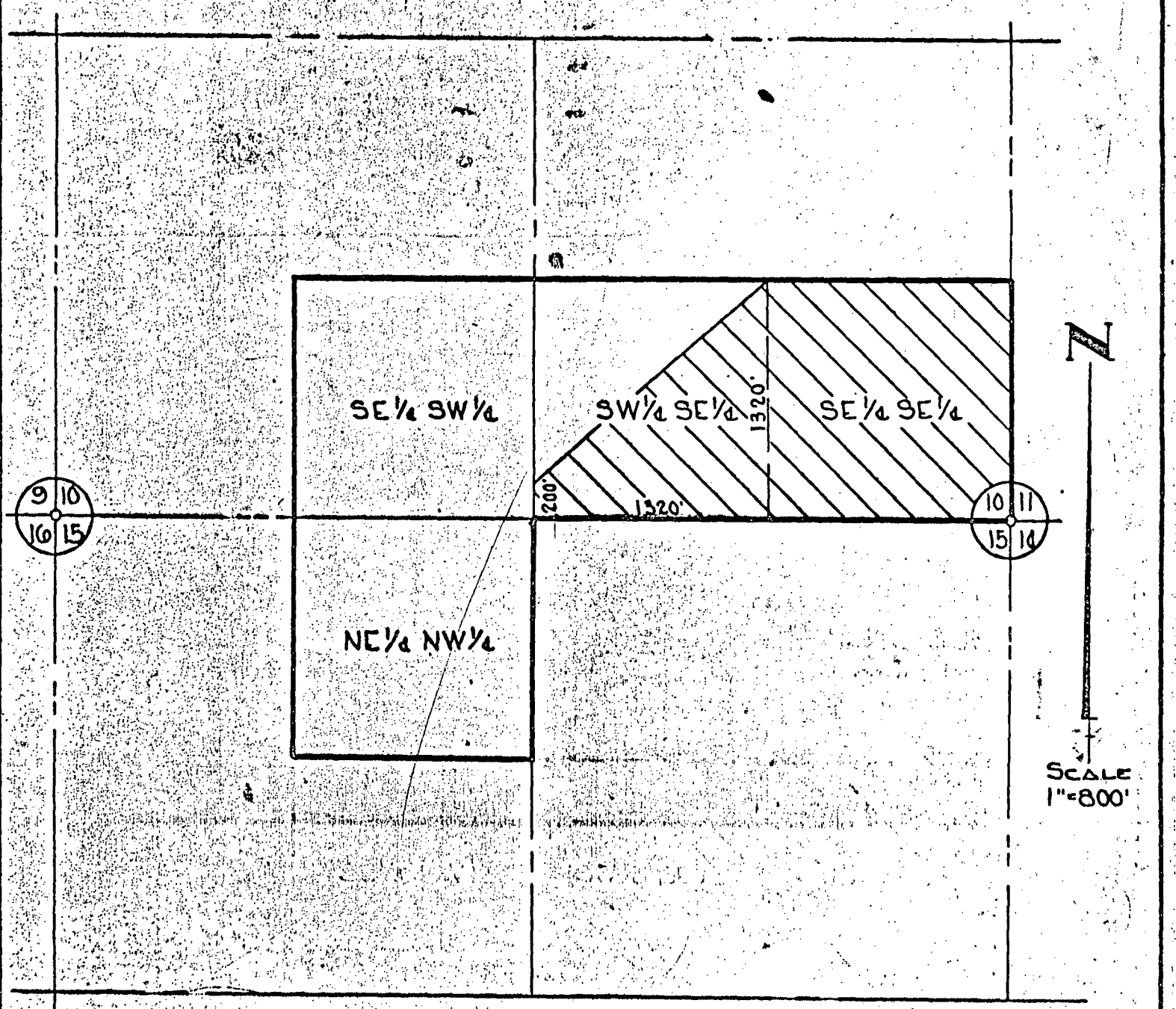
LOCATION

Section 10

Township (Civil) JEFFERSON

Township (Congressional) T77N Range R27W

County MADISON Iowa



MADISON County Project BADGER CREEK WATERSHED

Approved By ____ Supt. Land Acquisition Date ____ drawn by GB date JAN. 1970

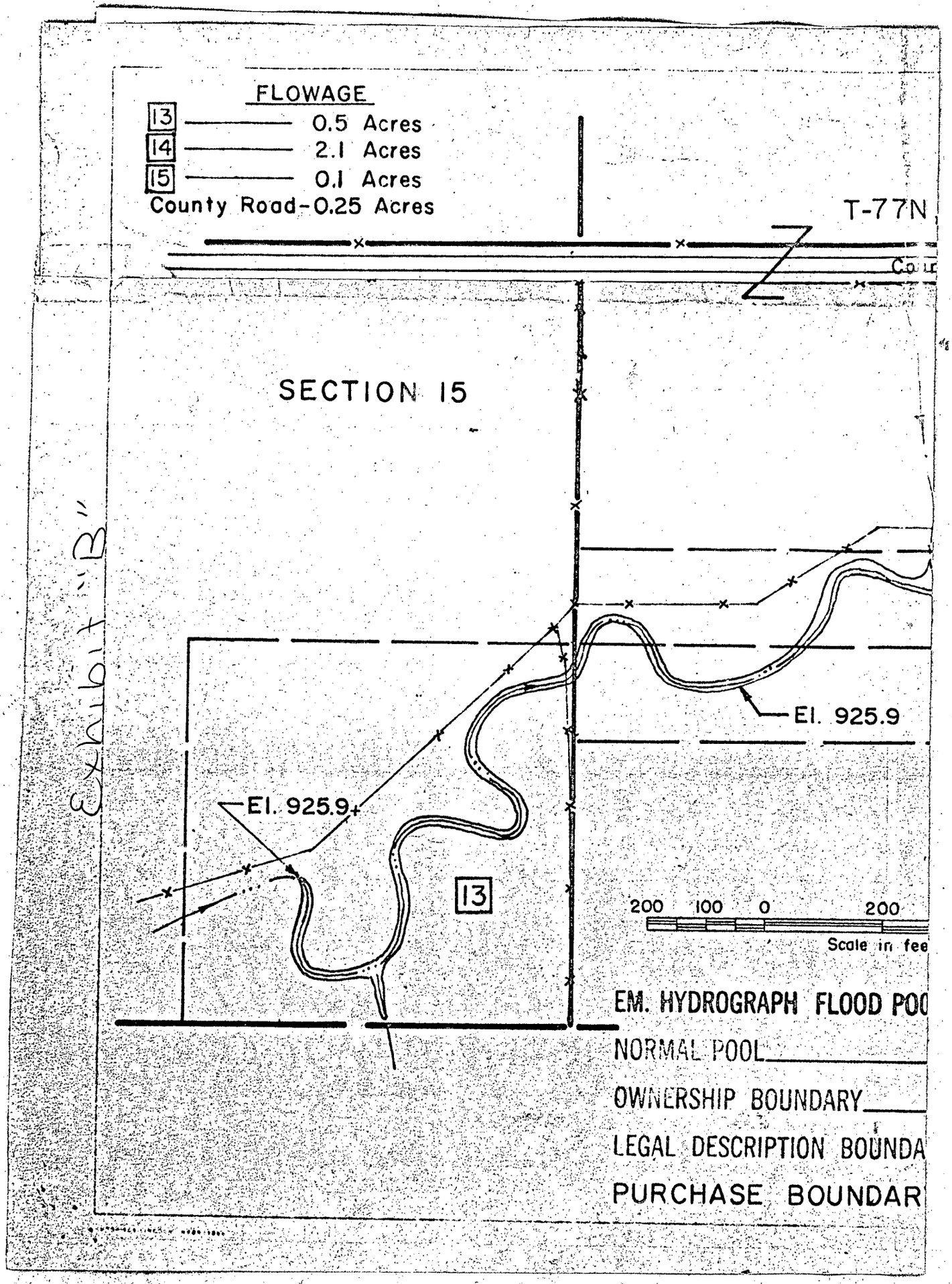
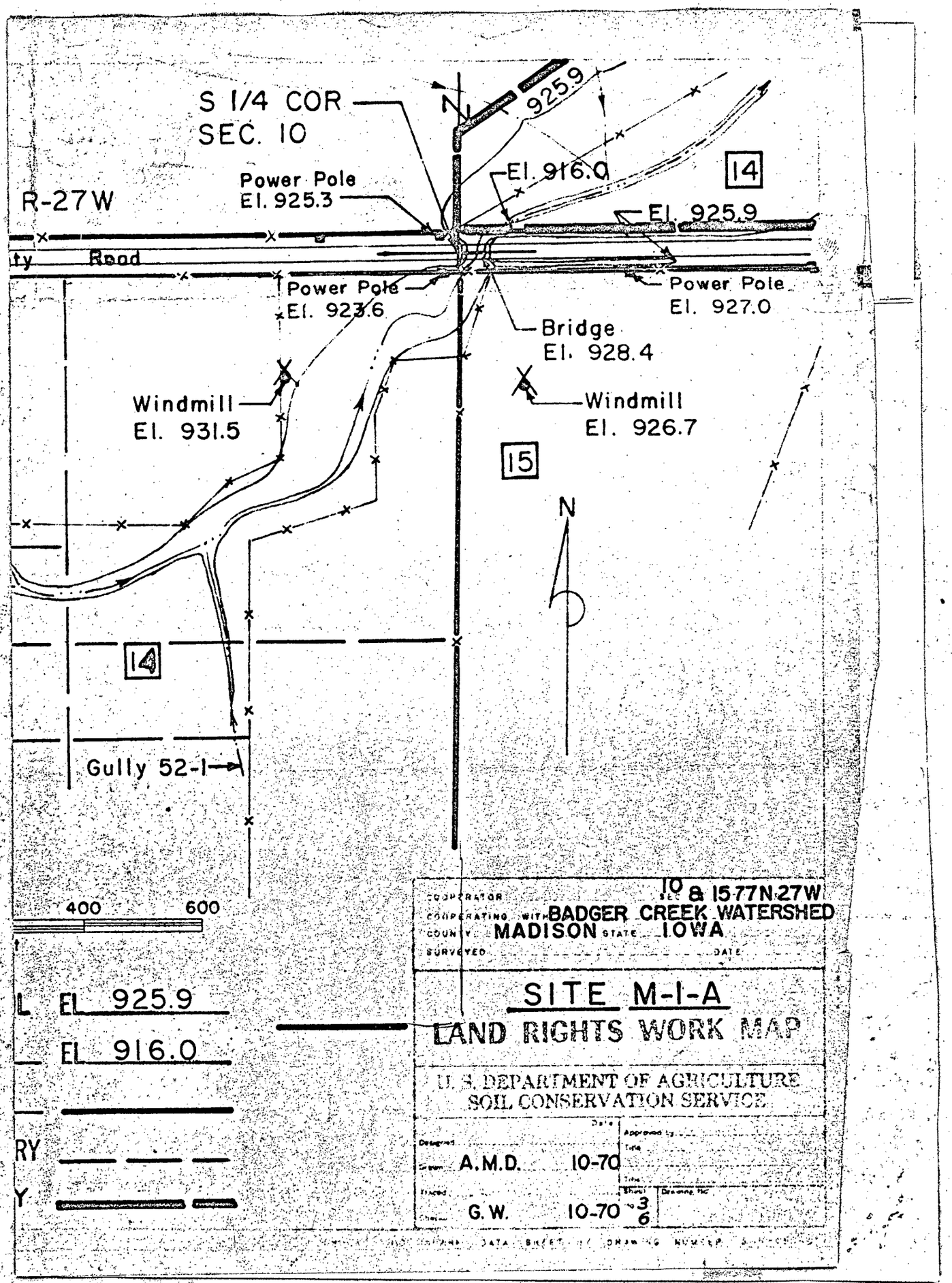

FLOWAGE
13 — 0.5 Acres
14 — 2.1 Acres
15 — 0.1 Acres
County Road-0.25 Acres
T-77N
SECTION 15
El. 925.9
El. 925.9+
13
200 100 0 200
EM. HYDROGRAPH FLOOD POO
NORMAL POOL
OWNERSHIP BOUNDARY
LEGAL DESCRIPTION BOUNDA
PURCHASE BOUNDAR

Exhibit "B"


S 1/4 COR
SEC. 10
925.9
El. 916.0
14
R-27W
Power Pole
El. 925.3
El. 925.9
ty Road
Power Pole
El. 923.6
Power Pole
El. 927.0
Bridge
El. 928.4
Windmill
El. 931.5
Windmill
El. 926.7
15
N
14
Gully 52-1
400
600
L EL 925.9
EL 916.0
RY
Y
COOPERATOR
COOPERATING WITH BADGER CREEK WATERSHED
COUNTY MADISON STATE IOWA
SURVEYED DATE
SEC. 10 & 15 77N 27W
SITE M-I-A
LAND RIGHTS WORK MAP
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Designed
Drawn A.M.D. 10-70
Traced
Checked G.W. 10-70
Approved by
Title
Sheet 3/6

RECEIVED
1-12-74
4:10 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

IN THE MATTER OF THE CONDEMNATION : SELECTION AND APPOINTMENT OF COMPENSATION
OF CERTAIN RIGHTS IN LAND BY : COMMISSIONERS BY THE CHIEF JUDGE OF
BADGER CREEK WATER SHED SUBDISTRICT: THE FIFTH JUDICIAL DISTRICT

An Application for Condemnation having been filed with me by Badger Creek Water Shed Subdistrict, for the selection and appointment, by lot, of six suitable persons as the law provided to act as a compensation commission to access and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by applicant, in its Application filed in the above entitled matter, I hereby designate, select and appoint as the members of the compensation commission required in this matter the following persons:

	Name	Address
Licensed Real Estate Broker or Salesman	Bert Smith	Winterset
	Sam Buck	~~Winterset~~ Earlham
Knowledgeable of property Values by Virtue of Occupation	Wallace Jackson	~~Winterset~~ Earlham
	Wayne Newton	Winterset
Agricultural	Darrell Daggett	~~Winterset~~ Earlham
	Harrison Vowell	~~Winterset~~ Peru

I further designate, select, and appoint Bert Smith as Chairman.

Substitute commissioners have been appointed by lot and shall not serve unless a vacancy occurs. In the event of a vacancy, the Sheriff Of Madison County, Iowa, shall notify the substitute commissioner or commissioners of their appointment in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 6th day of September, 1974.

Robert A. Holliday
Chief Judge of the Fifth Judicial District
including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 12th day of Sept 1974.

Rex Rouse
Sheriff of Madison County, Iowa

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : ORDER APPOINTING SUBSTITUTE
BADGER CREEK WATER SHED SUBDISTRICT: COMPENSATION COMMISSIONERS

NOW ON THIS 6th day of September, 1974, an Application to the Chief Judge of the Fifth Judicial District for the Selection and Appointment of a Commission to Appraise Damages, having been presented to me and a Commission so appointed, it is ordered that in the event a commissioner or commissioners are unable to serve, the following persons shall be substituted to fill the vacancy in the category in which their names appear:

	Name	Address
Licensed Real Estate Salesman or Broker	Earl Whitworth	Winterset
Knowledgeable of Property Values by Virtue of Occupation	Gail Leeper	Winterset
Agricultural	Chester Haymond	Winterset

Said substitute commissioners have been appointed by lot and shall not serve unless a vacancy occurs. In the event of a vacancy the Sheriff of Madison County, Iowa, shall notify the substitute commissioner or commissioners of their appointment in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 6th day of September, 1974.

Chief Judge of the Fifth Judicial District including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 12th day of Sept, 1974.

Sheriff of Madison County, Iowa

240

IN THE MATTER OF THE CONDEMNATION
OF CERTAIN RIGHTS IN LAND BY
BADGER CREEK WATER SHED SUBDISTRICT

ORDER APPOINTING SUBSTITUTE
COMPENSATION COMMISSIONER

Located in Madison County, Iowa.

NOW ON THIS 27th day of September, 1974, an Order Appointing Substitute Compensation Commissioner having been presented to me due to the inability of Wallace Jackson and his alternate Gail Leeper, both having qualifications as being Knowledgeable Of Property Values, to serve as a compensation commissioner in the condemnation referenced above, it is ordered that the vacancy shall be filled by the following commissioner:

QUALIFICATIONS	NAME	ADDRESS
Knowledgeable	Irvin Martens	Winterset - Commissioner
"	Ernest Stowell	Winterset - Alternate

The Sheriff of Madison County, Iowa, shall notify the substitute commissioner in the same manner as the original commissioners were notified.

DATED at Des Moines, Iowa, this 27th day of September, 1974.

Gibson C. Holliday

GIBSON C. HOLLIDAY, CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA, including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 30th day of Sept, 1974.

Rex Rouse

REX ROUSE, Sheriff of Madison County, Iowa

9-12-74 410 pm

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : SUMMONS TO COMMISSIONERS
BADGER CREEK WATER SHED SUBDISTRICT:

TO: ERNEST STOWELL

Badger Creek Water Shed Subdistrict has filed with the Chief Judge of the 5th Judicial District of Iowa, including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which the owners, lienholders, and encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application by Badger Creek Water Shed Subdistrict, and

WHEREAS, pursuant to Iowa Law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Bert Smith has been designated as Chairman of the commission.

NOW THEREFORE, you are commanded to appear before the undersigned in the office of the sheriff of Madison County, State of Iowa, on the 2nd day of October, 1974, at 9:30 o'clock A. M. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of a copy acknowledged at Winterset, Iowa, this 26th day of Sept., 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Ernest Stowell

Filed in my office at Winterset, Iowa, this 27 day of Sept, 1974.

Rex Rouse
Sheriff of Madison County, Iowa.

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

24

9-12-74 410 mm

242

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : SUMMONS TO COMMISSIONERS
BADGER CREEK WATER SHED SUBDISTRICT:

TO: Bert Smith

Badger Creek Water Shed Subdistrict has filed with the Chief Judge of the 5th Judicial District of Iowa, including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which the owners, lienholders, and encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application by Badger Creek Water Shed Subdistrict, and

WHEREAS, pursuant to Iowa Law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Bert Smith has been designated as Chairman of the commission.

NOW THEREFORE, you are commanded to appear before the undersigned in the office of the sheriff of Madison County, State of Iowa, on the 2nd day of October, 1974, at 9:30 o'clock A. M. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of a copy acknowledged at Winterset, Iowa, this 16 day of Sept, 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Bertan J. Smith

Filed in my office at Winterset, Iowa, this 18 day of Sept, 1974.

Rex Rouse
Sheriff of Madison County, Iowa.

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

9-12-74 410 mm

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : SUMMONS TO COMMISSIONERS
BADGER CREEK WATER SHED SUBDISTRICT:

TO: HARRISON VOWELL

Badger Creek Water Shed Subdistrict has filed with the Chief Judge of the 5th Judicial District of Iowa, including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which the owners, lienholders, and encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application by Badger Creek Water Shed Subdistrict, and

WHEREAS, pursuant to Iowa Law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Bert Smith has been designated as Chairman of the commission.

NOW THEREFORE, you are commanded to appear before the undersigned in the office of the sheriff of Madison County, State of Iowa, on the 2nd day of October, 1974, at 9:30 o'clock A. M. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of a copy acknowledged at Winterset, Iowa, this 16 day of Sept, 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

H. L. Vowell

Filed in my office at Winterset, Iowa, this 18 day of Sept., 1974.

Rex Rouse
Sheriff of Madison County, Iowa.

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

243

9-12-74 410 pm

244

RECEIVED
9-17-74 910 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : SUMMONS TO COMMISSIONERS
BADGER CREEK WATER SHED SUBDISTRICT:

TO:

SAM BUCK

Badger Creek Water Shed Subdistrict has filed with the Chief Judge of the 5th Judicial District of Iowa, including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which the owners, lienholders, and encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application by Badger Creek Water Shed Subdistrict, and

WHEREAS, pursuant to Iowa Law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Bert Smith has been designated as Chairman of the commission.

NOW THEREFORE, you are commanded to appear before the undersigned in the office of the sheriff of Madison County, State of Iowa, on the 2nd day of October, 1974, at 9:30 o'clock A. M. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of a copy acknowledged at Earlham, Iowa, this 16th day of September, 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Sam Buck

Filed in my office at Winterset, Iowa, this 17 day of Sept, 1974.

Rex Rouse
Sheriff of Madison County, Iowa.

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

9-12-74 410 lm

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : SUMMONS TO COMMISSIONERS
BADGER CREEK WATER SHED SUBDISTRICT:

TO: WAYNE NEWTON

Badger Creek Water Shed Subdistrict has filed with the Chief Judge of the 5th Judicial District of Iowa, including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which the owners, lienholders, and encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application by Badger Creek Water Shed Subdistrict, and

WHEREAS, pursuant to Iowa Law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Bert Smith has been designated as Chairman of the commission.

NOW THEREFORE, you are commanded to appear before the undersigned in the office of the sheriff of Madison County, State of Iowa, on the 2nd day of October, 1974, at 9:30 o'clock A. M. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of a copy acknowledged at Winterset, Iowa, this 16 day of September, 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Wayne Newton

Filed in my office at Winterset, Iowa, this ____ day of _____, 1974.

Sheriff of Madison County, Iowa.

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

245

246

RECEIVED
9-17-74
9:10 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : SUMMONS TO COMMISSIONERS
BADGER CREEK WATER SHED SUBDISTRICT:

TO: DARRELL DAGGETT

Badger Creek Water Shed Subdistrict has filed with the Chief Judge of the 5th Judicial District of Iowa, including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which the owners, lienholders, and encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application by Badger Creek Water Shed Subdistrict, and

WHEREAS, pursuant to Iowa Law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Bert Smith has been designated as Chairman of the commission.

NOW THEREFORE, you are commanded to appear before the undersigned in the office of the sheriff of Madison County, State of Iowa, on the 2nd day of October, 1974, at 9:30 o'clock A. M. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of a copy acknowledged at Earlham, Iowa, this 14 day of Sept, 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Darrell Daggett

Filed in my office at Winterset, Iowa, this 17 day of Sept., 1974.

Rex Rouse
Sheriff of Madison County, Iowa.

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN AND BY : OATH OF COMMISSIONERS.
BADGER CREEK WATER SHED SUBDISTRICT:

STATE OF IOWA :
: ss
MADISON COUNTY :

Each of the undersigned being duly sworn says:

That I do possess the qualifications listed under my name below, and

That I do not possess an interest in the proceeding which would cause me to render a biased decision, and

That I will, to the best of my ability, faithfully and impartially assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of the appropriation of the rights as set forth and described in the Application in the office of the Sheriff and make a written report to the sheriff as authorized and prescribed in Chapter 472 of the 1973 Code of Iowa and any amendments thereto, and in accordance with the instructions of the Chief Justice of the Supreme Court, and will well and truly perform any and all other duties imposed upon me by law as a member of the compensation commission selected and appointed to assess said damages.

G S Buck — Name:
Licensed Real Estate Salesman or Broker

Bunt Smith — Name:

Ernest Stowell — Name:
Knowledgeable of Property Values by Virtue of Occupation

Wayne Newton — Name:

S.K. Baggett — Name:
Agricultural Owner-Operator

H.S. Dowell — Name:

Subscribed and sworn to before me this 2nd day of October, 1974.

Margaret A Wheeler
Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 2 day of Oct., 1974.

Rep Ponse
Sheriff of Madison County, Iowa

247

RECEIVED
9-12-74 410
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN AND BY : NOTICE OF CONDEMNATION OF
BADGER CREEK WATER SHED SUBDISTRICT: PROPERTY BY MADISON COUNTY, IOWA

TO: Selma W. Radke, Herman A. Radke and Hazel M. Craft, Administrator of the Estate of R. K. Craft, deceased, and all other persons, companies or corporations having any interest in or owning any of the following described real estate:

The Southeast Quarter (¼) of the Southeast Quarter (¼); the Southwest Quarter (¼) of the Southeast Quarter (¼); and the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Ten (10) and the Northeast Quarter (¼) of the Northwest Quarter (¼) of Section Fifteen (15), all in Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.

YOU ARE HEREBY NOTIFIED that Badger Creek Water Shed Subdistrict desires the condemnation of the following described real estate:

An occasional flowage easement, with perpetual right, privilege and easement in, over and upon and across the Northeast Quarter (¼) of the Northwest Quarter (¼) of Section Fifteen (15), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, occasionally to flow and submerge the land up to an elevation of 925.9 mean sea level, said land situated in the Badger Creek Water Shed in Madison County, Iowa, and for the operation, inspection and maintenance of said area to be flooded together with the right of ingress and egress to the condemnor or its authorized agents at any time over and upon the property sought to be condemned.

A commission has been appointed as provided by law for the purpose of appraising said damages which will be caused by said condemnation.

Said commissioners will on the 2 day of October, 1974, at 10:00 o'clock A. M. view said premises and proceed to appraise said damages, at which time you may appear before the commissioners, if you care to do so.

BADGER CREEK WATER SHED SUBDISTRICT, APPLICANT

By Jerrold B. Oliver
Jerrold B. Oliver, Madison County Attorney

OFFICERS RETURN OF SERVICE

BBB

STATE OF IOWA, Madison County, ss.

The attached notice with copy of Petition attached received this 12th day of September, 19 74, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective name.

Name of Defendants	Month	Day	Year	Township	County	State
Selma W. Radke	September	13th	1974	Jefferson	Madison	Iowa

Rex Rouse Sheriff

Rex Rouse County, Iowa

By _____, Deputy Sheriff

FEES

Service $ .75

Copies $ _____

Notary $ _____

Mileage $ _____

Total $ _____

RETURN OF ORIGINAL NOTICE

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 12th day of September 19 74, and on the 23rd day of September, 19 74, I served the same on Herman A. Radke _____, by leaving a true copy thereof at the house of Herman A. Radke, situated in the Township of Jefferson Madison County, Iowa, the same being the usual place of residence of said defendent with Selma W. Radke, a member of said defendant's family, with whom he resides, and over 18 years of age, the said defendant not being found within the County.

FEES

Service, $ .50

Copies, $ _____

Mileage, $ _____

Total, $ _____

Rex Rouse
Rex Rouse

Sherriff of Madison County

By _____, Deputy

RETURN OF SERVICE OF NOTICE

STATE OF IOWA, DALLAS COUNTY, SS:

I hereby certify and return that the hereto attached Notice of Condemnation came into my hands for service on the 16th day of September, 1974, and on the 16th day of September, 1974, I served the same on Hazel M Craft, Administratrix of Estate of R. K. Craft, deceased by delivering a true and correct copy thereof to her personally in the Town of Adel, Dallas County, Iowa.

And on the _____ day of _____, 19_____, I served the same on _____, at _____ dwelling-house or usual place of abode in the _____ of _____, Dallas County, Iowa, by there delivering a true and correct copy thereof to _____, a person residing therein who was then more than eighteen years old.

Service $ .75

Copy _____

Mileage 1.00

TOTAL $ 1.75

John T. Wright
Sheriff, Dallas County, Iowa

By Robert R. DeCamp Deputy

9/18/74 Pd by Jerold Oliver, Atty

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN AND BY : NOTICE OF CONDEMNATION OF
BADGER CREEK WATER SHED SUBDISTRICT: PROPERTY BY MADISON COUNTY, IOWA

TO: Selma W. Radke, Herman A. Radke and Hazel M. Craft, Administrator of the Estate of R. K. Craft, deceased, and all other persons, companies or corporations having any interest in or owning any of the following described real estate:

The Southeast Quarter (¼) of the Southeast Quarter (¼); the Southwest Quarter (¼) of the Southeast Quarter (¼); and the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Ten (10) and the Northeast Quarter (¼) of the Northwest Quarter (¼) of Section Fifteen (15), all in Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.

YOU ARE HEREBY NOTIFIED that Badger Creek Water Shed Subdistrict desires the condemnation of the following described real estate:

An occasional flowage easement, with perpetual right, privilege and easement in, over and upon and across the Northeast Quarter (¼) of the Northwest Quarter (¼) of Section Fifteen (15), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, occasionally to flow and submerge the land up to an elevation of 925.9 mean sea level, said land situated in the Badger Creek Water Shed in Madison County, Iowa, and for the operation, inspection and maintenance of said area to be flooded together with the right of ingress and egress to the condemnor or its authorized agents at any time over and upon the property sought to be condemned.

A commission has been appointed as provided by law for the purpose of appraising said damages which will be caused by said condemnation.

Said commissioners will on the 2 day of October, 1974, at 10:00 o'clock A. M. view said premises and proceed to appraise said damages, at which time you may appear before the commissioners, if you care to do so.

BADGER CREEK WATER SHED SUBDISTRICT, APPLICANT

By Jerrold B. Oliver
Jerrold B. Oliver, Madison County Attorney

RECEIVED
9-20-74
430 pm.
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : AFFIDAVIT OF FINAL OFFER
BADGER CREEK WATER SHED SUBDISTRICT :

On this 12 day of September, 1974, comes Badger Creek Water Shed Subdistrict, and states, as by law provided, that the most recent offers 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 in the Application filed in the above matter are as follows:

Selma W. Radke
Herman A. Radke $500.00
Estate of R. K. Craft

BADGER CREEK WATER SHED SUBDISTRICT

By: Jerrold B. Oleson
its attorney

Subscribed and sworn to before me this 12 day of September, 1974.

TERRI WALKER
Iowa
NOTARIAL SEAL

Terri Walker
Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 12 day of Sept, 1974.

Rep Rouse
Sheriff of Madison County, Iowa.

9-12-74 410 mm

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN LAND BY : REPORT OF CONDEMNATION COMMISSION
BADGER CREEK WATER SHED SUBDISTRICT :

TO.....REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA.

We, the undersigned, being the 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 application filed in the above entitled matter respectfully report as follows:

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

	LAND & IMPROVEMENTS	CONSEQUENTIAL DAMAGES	TOTAL AWARD	CONDEMNEES' ATTY. FEES AND COSTS
Selma W. Radke	$	$	$ 500.00	$
Herman A. Radke	$	$	$ 0	$
Estate of R.K. Craft, Hazel M. Craft, Administrator	$	$	$ 0	$

Respectfully reported at Winterset, Iowa, this 2nd day of Oct., 1974.

Barton J. Smith — Darrell Daggett
R. L. Dowell — Ernest Stowell
L. L. Buck — Wayne Mellor

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Winterset, Iowa, this 2nd day of Oct. 1974.

Rex Rouse
Sheriff of Madison County, Iowa

ENDORSEMENT OF SHERIFF OF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

I, the undersigned, Sheriff of Madison County, Iowa, hereby endorse and certify to the Report of Compensation Commission appearing upon the upper portion of this page that I have mailed by ordinary mail on this 2nd day of October, 1974, the attached Notices of Appraisement of Damages and Time for Appeal to each of the persons to which they are addressed.

Rex Rouse
Rex Rouse, Sheriff
Madison County, Ia.

SHERIFF'S CERTIFICATION OF COSTS

I further certify that costs incident to this proceeding have been taxed as follows;

	Postage	Fee	Mileage	Total
1. Sheriff serving notices & copy		$2.75	$7.20	$ 9.95
2. Summoning Commissioners	$1.80			1.80
3. Sheriff attending commissioners		7.50	4.05	11.55
				$23.30

4. COMMISSIONERS EXPENSES:

Burton J. Smith, Winterset, (Chairman) one day service and mileage - meal	$53.00
G. S. Buck, Earlham one day service, mileage and meal	60.95
Ernest Stowell, Winterset one day service, mileage and meal	53.00
Wayne Newton, Winterset one day service, mileage and meal	53.00
Darrell Daggett, Earlham one day service,mileage and meal	56.00
H.S. Vowell, Peru, one day service, mileage and meal	54.20
	$330.15

TOTAL COMMISSIONER EXPENSES

5. Damages Awarded:

Selma W. Radke	$500.00

RECAPITULATION

TOTAL DAMAGES AWARDED	$500.00
TOTAL SHERIFF'S COSTS	23.30
TOTAL COMMISSIONER'S EXPENSES	330.15
GRAND TOTAL CONDEMNATION EXPENSES	$853.45

Certified a true statement of condemation awards and expenses in connection with "In the Matter of the Condemnation of Certain Rights in Land by Badger Creek Water Shed Subdistrict" and the original copies thereof on October 2, 1974.

Rex Rouse

Rex Rouse, Sheriff
Madison County, Iowa

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY BADGER CREEK WATER SHED SUBDISTRICT

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO: Selma W. Radke; Herman A. Radke; Hazel M Craft, Administrator of Estate of R.K. Craft

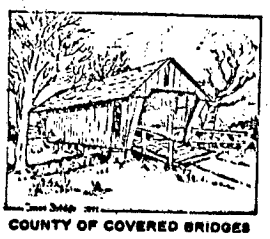
You and each of you are hereby notified that the duly appointed and qualified commissioners assessed and appraised the damages sustained by you by reason of the condemnation as set out upon the attached report of Compensation Commission, and that pursuant to Section 472.18 of the Code of Iowa, as amended by House File 215, Acts of the 64th General Assembly, you may within thirty (30) days from the date of mailing of this Notice, appeal to the district court as by law provided.

Rex Rouse

Rex Rouse, S heriff
Madison County, Ia.

Award accepted (date)

By:



OFFICE OF
Sheriff of Madison County
REX ROUSE, SHERIFF
EDWARD POWELL, DEPUTY
WINTERSET, IOWA 50273

TELEPHONE
DAY OR NIGHT
462 - 3575
AREA CODE 515

Oct. 7, 1974

Selma Radke
R.R.
Van Meter, Ia. 50261

This is to advise you that there has been deposited with me Check #_____ in the amount of $500.00_____. This check represents the amount of the Condemnation Conpensation Commission award made on Oct. 2_____, 1974. This check may be picked up at the Madison County Sheriff's Office at your convenience between the hours of 8 A.M.-Noon and 1 P.M.-5 P.M. any Monday through Friday. I would however, suggest you contact your attorney BEFORE picking this check up.

Yours truly,

Rex Rouse

Rex Rouse, Sheriff
Madison County, Iowa 50273

Check accepted (date) October 21-1974

By: Selma C Radke