

DRAINAGE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

That this Agreement was entered into at Rudd, Iowa on this 24th day of October, 1973 by and between the following:

Ralph Souder, who is the owner of -

The West 80 acres of the South Half of Section 3,
and the East Half of the Northwest Quarter of Section
10, and the Northeast Quarter of Section 10, all in
Township 96 North, Range 17, West of the 5th P.M.,

of which 180 acres are involved in the voluntary drainage district
established and now installed by all of the undersigned, and,

Robert Straube, who is the owner of -

The South 130 acres of the East Half of Section 4,
and the North 120 acres of the West 160 acres of
Section 10, and the East Half of the Southwest Quarter
of Section 10, Township 9 N, Range 17, West of the 5th P.M.,

150 acres of which are involved in the voluntary drainage district
established and now installed by all of the undersigned, and,

Andrew H. Kerchner is the owner of -

The East Half of Section 4, and the North 152 acres
of the East Half of Section 4, all in Township 96 North,
Range 17, West of the 5th P.M.,

of which 152 acres are involved in the voluntary drainage district
established and now installed by all of the undersigned, and,

Daryl Kerchner is the owner of -

The North 140 acres of the West Half of Section 4,
Township 96 N, Range 17, West of the 5th P.M.,

of which 103 acres are involved in the voluntary drainage district
established and now installed by all of the undersigned, and

Oliver Bonewitz, who is the owner of -

The East Half of the Northeast Quarter of Section 9,
Township 96 North, Range 17, West of the 5th P.M.,

of which 80 acres are involved in the voluntary drainage district
established and now installed by all of the undersigned, and,

Edward Ahrens is the owner of -

The Southeast Quarter of Section 33, Township 97,
North, Range 17, West of the 5th P.M.,

of which 65 acres is involved in the voluntary drainage district
established and now installed by all of the undersigned, and,

Ralph Hilsman is the owner of -

The Southeast Quarter of the Northwest Quarter
and the East 240 acres of the South Half of
Section 3, Township 96 North, Range 17, West
of the 5th P.M.,

of which 65 acres is involved in the voluntary drainage district
established and now installed by all of the undersigned;

NOW, THEREFORE, It is AGREED that each of the parties shall
bear his pro rata share of the total cost of maintenance and repair
of the tile main and open ditch and outlet involved in the said
voluntary drainage district which has now been installed, which is
to say, that Ralph Sauder shall bear the portion of expense of
maintenance and repair based on 180 over 811; that Robert Straube
shall bear the expense of maintenance and repair based on 150 over
811; that Andrew H. Kercher and his son, Daryl Kerchner, shall
bear the expense of maintenance and repair based on 255 over 811;
that Oliver Bonewitz shall bear the portion of expense of maintenance
and repair based on 80 over 811; that Edward Ahrens shall bear the
expense of maintenance and repair based on 65 over 811, and that
Ralph Hilsman shall bear the expense of maintenance and repair based
on 65 over 811.

Any one of the said six members who discover a need of repair
and maintenance shall notify the other five and they will jointly

arrange for the repair and maintenance. The repair and maintenance may be done by the individual owners of each of the above farms, manually performing the repair themselves or employ some one to repair the same by agreement between the parties.

It is the understanding that this Agreement ratifies and confirms the oral agreement made between the parties prior to the installation of the above drainage system and that this Agreement for maintenance and repair is one which binds the present owners, their heirs, transferors and assigns forever.

It is the further understanding of the parties that should any owners of lands not herein mentioned desire to connect to the tile main now installed, they shall be required to pay their fair proportion of the cost of the installation of the drainage system and shall be bound by this Agreement relating to maintenance and repair and that no other land owner may connect with the main until his plans and specifications for the installation of his tile lines shall have been approved by the undersigned six parties to this agreement.

It is also the understanding of the parties hereto that any one of them may put in additional laterals draining into the main established providing that the tile installed in said laterals is not larger than the tile now installed in their laterals.

As soon as the plat of this voluntary drainage district has been prepared, it shall be attached to the original of this Agreement and the same shall be recorded in the proper drainage books in the Recorder's Office of Floyd County, Iowa, and become a part of the permanent title records of all the lands involved herein.

IN WITNESS WHEREOF the parties have hereunto set their hands this 24th day of October, 1973.

Ralph Souder
RALPH SOUDER

Andrew H. Kerchner
ANDREW H. KERCHNER

Edward Ahrens
EDWARD AHRENS

Robert Straube
ROBERT STRAUBE

Oliver Bonewitz
OLIVER BONEWITZ

Ralph Hilsman
RALPH HILSMAN

Daryl Kerchner
DARYL KERCHNER

STATE OF IOWA)
)SS
COUNTY OF FLOYD)

On this 24th day of October, 1973, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ralph Souder, Robert Straube, Andrew H. Kerchner, Daryl Kerchner, Oliver Bonewitz, Edward Ahrens and Ralph Hilsman, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Larry E. Smith
NOTARY PUBLIC

Edward Brandau joins in this Agreement and has paid his proper share for the outlet.

Edward Brandau

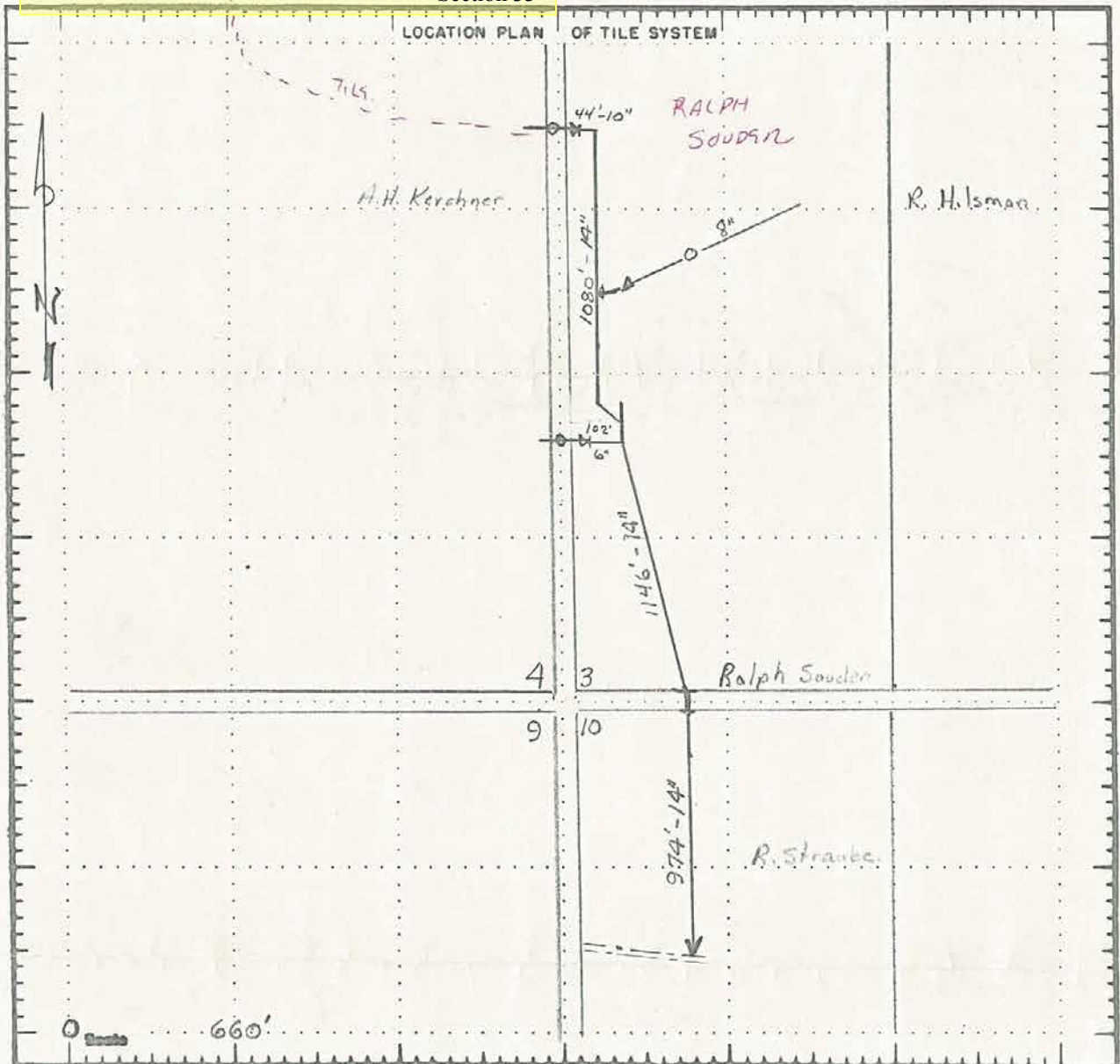
He is the owner of the W $\frac{1}{2}$ of NE $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of 9-96N-17 and other lands.

ROCKFORD BRICK & TILE CO.

ROCKFORD, IOWA

PHONE: 756-3352

To Parcel 4  A.H. Kerns 160^A Section 33



TILE DRAINAGE PLAN

Group Main

MATERIALS ESTIMATE

— LEGEND —

- Permanent Fence ————
- Proposed Tile Line ————
- Existing Tile Line ————
- Existing Shallow Ditch ————
- Existing Deep Ditch ————

OWNER Straube-Souden-Kirchner-Hilsmann

TOWNSHIP Rudd

SECTION 3-4-10 TOWN _____

COUNTY Floyd STATE Iowa