

DRAINAGE DISTRICT MINUTES  
JOINT DISTRICT MARSHALL-STORY #3  
MAY 20, 2020

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building in Nevada, IA to consider an agreement (attached) allowing a property owner in Marshall County to withdraw water from the main tile of Joint Drainage District Marshall-Story #3, Marshall County controlling, for use by his dairy operation. Members present were Linda Murken, chair, Lisa Heddens, and Lauris Olson. Also present were County Engineer Darren Moon and Drainage Clerk Scott Wall.

Murken called the meeting to order at 8:15 a.m. and stated that, because the building was closed due to the ongoing COVID-19 pandemic, access to the meeting was available by telephone.

Wall said Kevin Blood, owner of Blood Dairy, LLC southwest of State Center, IA, has requested permission to draw water from the main tile in Joint Drainage District Marshall-Story #3 for use in his dairy operation. Mr. Blood has been taking water from a Marshall County drainage district for at least the past 15 years without any problems according to Marshall County Trustee Bill Patten who has been in touch with Wall and Heddens multiple times concerning this request. Blood has purchased land in Marshall-Story #3 to expand his operation and would like to utilize the water in the district tile rather than purchasing rural water. This should be a win-win for both parties. Blood Dairy gets access to free water and the district sees a reduced load on its facilities. Story County Civil Attorney Ethan Anderson made suggestions for changes to an agreement submitted by Mr. Blood and those changes are included in the agreement before the trustees today. The change requested by Anderson was that the agreement not be permanent, but that it includes an option for either party to withdraw. The agreement is for 5 years and will automatically renew every 5 years up to 25 years unless either party terminates the agreement in writing at least 30 days before the end of any of the 5-year periods. The Marshall County Trustees approved the agreement at a meeting on May 12.

Heddens moved, seconded by Olson, to approve the agreement submitted by Blood Dairy, LLC allowing them to withdraw water from Joint Drainage District Marshall-Story #1. Motion carried unanimously (MCU).

Olson moved, seconded by Heddens, to adjourn. MCU. Meeting adjourned at 8:20 a.m.

Respectfully submitted,



Scott T. Wall

Story County  
Original

**Preparer & Return To:** Brandon J. Buck, 26 S. 1<sup>st</sup> Ave, Suite 302, Marshalltown, IA 50158, 641-752-4271

### **WATER ACCESS AGREEMENT**

This Water Access Agreement is made by and between Story/Marshall Counties Joint Drainage District #3 (“District”) and Marshall Ridge Farms, LLC (“Company”).

WHEREAS, District is a drainage district duly created and jointly operated by Marshall County and Story County; and

WHEREAS, a 48 inch tile belonging to the District is located beneath the real estate legally described as:

The Northwest Quarter in Section 20, Township 83 North, Range 20 West of the 5<sup>th</sup> P.M., Marshall County, Iowa, subject to roads and easements of record, except Parcel “C” located in the Northwest Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 20, as shown in Plat of Survey recorded in Document No. 2017-00000654, all of the records of the Auditor/Recorder’s Office, Marshall County, Iowa.

WHEREAS, Company desires to access water from said tile and District consents to such access;

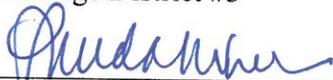
NOW, THEREFORE, in consideration of One Dollar and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, District hereby grants to Company the right to access any and all water found in the 48 inch tile belonging to the Story/Marshall Counties Joint Drainage District Tile No. 3 located under the above described real estate subject to the following:

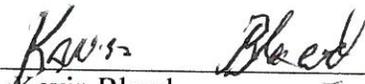
1. The Company shall be responsible for the installation and operation of any pumps, pipes, valves or other equipment or infrastructure necessary to access water from said tile.
2. The Company hereby agrees to indemnify District for any and all expenses or repairs to said tile as a result of Company's use.
3. The District shall allow Company unimpeded access to said tile and such access shall be granted to Company for an initial term of 5 years beginning on June 1, 2020 and ending on May 31, 2025. After the expiration the initial term this Agreement shall automatically renew for four 5 years terms, unless either party delivers written notice of termination to the other party at least 30 days prior to the expiration of current term.

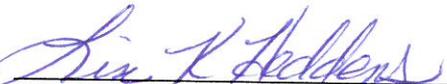
IN WITNESS WHEREOF, the parties hereto have set their hands this 14 day of May, 2020.

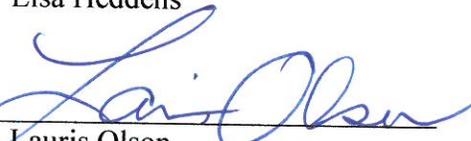
Story/Marshall Counties  
Joint Drainage District #3

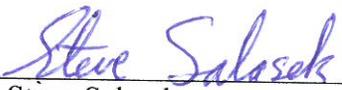
Marshall Ridge Farms, LLC

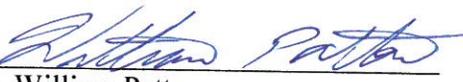
By:   
Linda Murken

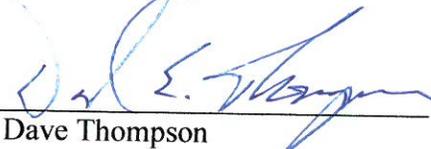
By:   
Kevin Blood

By:   
Lisa Heddens

By:   
Lauris Olson

By:   
Steve Salasek

By:   
William Patton

By:   
Dave Thompson

STATE OF IOWA, MARSHALL COUNTY, ss:

This instrument was acknowledged before me on May 14, 2020 by Kevin Blood, Member of Marshall Ridge Farms, LLC.



Courtney D. Toyne  
Notary Public, State of Iowa

STATE OF IOWA, STORY COUNTY, ss:

This instrument was acknowledged before me on May 20<sup>th</sup>, 2020 by Linda Murken, Trustee of Story/Marshall Counties Joint Drainage District #3.



Michelle L. Bellile  
Notary Public, State of Iowa

STATE OF IOWA, STORY COUNTY, ss:

This instrument was acknowledged before me on May 20<sup>th</sup>, 2020 by Lisa Heddens, Trustee of Story/Marshall Counties Joint Drainage District #3.



Michelle L. Bellile  
Notary Public, State of Iowa

STATE OF IOWA, STORY COUNTY, ss:

This instrument was acknowledged before me on May 20<sup>th</sup>, 2020 by Lauris Olson, Trustee of Story/Marshall Counties Joint Drainage District #3.



Michelle L. Bellile  
Notary Public, State of Iowa

STATE OF IOWA, MARSHALL COUNTY, ss:

This instrument was acknowledged before me on May 14, 2020 by Steve Salasek, Trustee of Story/Marshall Counties Joint Drainage District #3.



Lisa R. Gassman  
Notary Public, State of Iowa

STATE OF IOWA, MARSHALL COUNTY, ss:

This instrument was acknowledged before me on May 14, 2020 by William Patten,  
Trustee of Story/Marshall Counties Joint Drainage District #3.



Lisa R Gassman  
Notary Public, State of Iowa

STATE OF IOWA, MARSHALL COUNTY, ss:

This instrument was acknowledged before me on May 14, 2020 by Dave Thompson,  
Trustee of Story/Marshall Counties Joint Drainage District #3.



Lisa R Gassman  
Notary Public, State of Iowa