

DEED

WHEREAS, the United States of America has under the authority of Public Law 85-500, approved 3 July 1958, in accordance with the recommendations of the Chief of Engineers as set forth in House Document No. 396, 84th Congress, 2nd Session, undertaken the development of a flood control project on Salt Creek and its Tributaries, including a dam designated as Dam No. 14 on the North Branch of Middle Creek, Salt Creek; and

WHEREAS, the State of Nebraska Game, Forestation and Parks Commission, an independent commission established by Nebraska R.R.S. 1943, Sections 81-801 to 81-815 by its resolution adopted 29 November 1960, has given the assurances required by the Congress in authorizing said project, and in accordance with the recommendation of the Chief of Engineers has expressed its willingness to assume all costs related to the utilization of the permanent pool for recreational purposes, and insure public access to the pool, including the investments and provision of services essential to full realization of recreational and fish and wildlife benefits, within the meaning of the Act; and

WHEREAS, it was necessary in the construction and development of the said dam and reservoir for the United States of America to acquire certain lands for flood control purposes, and that additional lands were required to provide the services essential to full realization of recreational and fish and wildlife benefits, and

WHEREAS, it was deemed in the best interests of the United States of America, and the State of Nebraska, acting through its Game, Forestation and Parks Commission, that one agency acquire all lands under an agreement for sharing costs and transfer of lands and the State of Nebraska Game, Forestation and Parks Commission requested the United States to acquire all lands for the project; and

WHEREAS, pursuant to an agreement made and entered into on the 22nd day of November 1961, by and between the United States of America and the State

of Nebraska, acting by and through its Game, Forestation and Parks Commission, which said agreement was supplemented by the parties thereto by Supplemental Agreement No. 4 dated 27 June 1963, the United States of America has acquired for the use and benefit of the State of Nebraska the additional lands required for full utilization of recreational and fish and wildlife benefits; and the State of Nebraska has reimbursed the United States of America for the actual cost of said lands and its share of the administrative and overhead costs; and

WHEREAS, under said agreement, as supplemented, the United States of America is obligated to convey to the State of Nebraska, by good and sufficient deed, the title to the following described lands, reserving a flowage easement as hereinafter set forth.

NOW, THEREFORE, the United States of America, acting by and through the Secretary of the Army, pursuant to the authority contained in Public Law 85-500, approved 3 July 1958, for and in consideration of the recitals contained in the Agreement dated 22 November 1961, as supplemented, does hereby remise, release and forever quitclaim to the State of Nebraska and its assigns, all its right, title and interest in and to the real property situated, lying and being in the County of Lancaster, State of Nebraska, particularly described as:

S $\frac{1}{2}$ SW $\frac{1}{4}$ SE, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE, of Section 6, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 39.00 acres, more or less.

N $\frac{1}{2}$ NW $\frac{1}{4}$ SW, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW, of Section 5, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 35.44 acres, more or less.

~~N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW, SE $\frac{1}{4}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE~~ of Section 5, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 73.35 acres, more or less.

E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE, of Section 5, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 7.60 acres, more or less.

N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 5 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW, of Section 4, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 110.78 acres, more or less.

SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW, of Section 4, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 60.00 acres, more or less.

The West 302.70 feet of the $\frac{W}{2}SE\frac{1}{4}SE\frac{1}{4}$ and the $\frac{W}{2}SE\frac{1}{4}SE\frac{1}{4}$ of Section 5, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 29.41 acres, more or less.

$\frac{E}{2}NE\frac{1}{4}NW\frac{1}{4}$, $\frac{NW}{4}NE\frac{1}{4}NW\frac{1}{4}$, $\frac{N}{2}SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $\frac{N}{2}NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $\frac{SE}{4}NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $\frac{NE}{4}SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ of Section 9, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 45.28 acres, more or less.

$\frac{E}{2}SE\frac{1}{4}NW\frac{1}{4}$, $\frac{SW}{4}SE\frac{1}{4}NW\frac{1}{4}$, $\frac{S}{2}NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $\frac{NE}{4}NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ of Section 9, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 37.76 acres, more or less.

$\frac{SW}{4}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $\frac{S}{2}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $\frac{NW}{4}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $\frac{SW}{4}NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $\frac{S}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $\frac{SE}{4}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $\frac{W}{2}SW\frac{1}{4}NW\frac{1}{4}$ of Section 8, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 46.50 acres, more or less, except a 1.00 acre tract situated in the Southwest corner of the $\frac{S}{2}NW\frac{1}{4}$ for the purpose of a school.

$\frac{SW}{4}NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$ of Section 7, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 2.50 acres, more or less.

$\frac{NW}{4}NE\frac{1}{4}SW\frac{1}{4}$, $\frac{W}{4}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $\frac{S}{2}NE\frac{1}{4}SW\frac{1}{4}$ of Section 8, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 35.00 acres, more or less.

$\frac{W}{2}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $\frac{W}{2}SW\frac{1}{4}SE\frac{1}{4}$, $\frac{W}{4}NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $\frac{NW}{4}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ of Section 8, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 32.50 acres, more or less.

$\frac{E}{2}NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $\frac{N}{2}NE\frac{1}{4}SW\frac{1}{4}$, $\frac{E}{4}SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $\frac{N}{4}SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ of Section 9, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 35.15 acres, more or less.

$\frac{E}{2}SW\frac{1}{4}SE\frac{1}{4}$, $\frac{E}{4}NW\frac{1}{4}SE\frac{1}{4}$, $\frac{NW}{4}NW\frac{1}{4}SE\frac{1}{4}$, $\frac{N}{4}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ of Section 9, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 55.61 acres, more or less.

$\frac{W}{4}NW\frac{1}{4}NE\frac{1}{4}$, $\frac{SW}{4}NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $\frac{W}{4}SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $\frac{SE}{4}SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$ of Section 17, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 30.00 acres, more or less.

$\frac{SW}{4}NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $\frac{SW}{4}SE\frac{1}{4}NE\frac{1}{4}$ of Section 17, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 12.50 acres, more or less.

$\frac{N}{2}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ of Section 17, Township 10 North, Range 5 East of the Sixth Principal Meridian, containing 5.00 acres, more or less.

$\frac{W}{4}W\frac{1}{4}NE\frac{1}{4}$ of Section 9, Township 10 North, Range 5 East of the Sixth Principal Meridian, Lancaster County, Nebraska, containing 40.77 acres, more or less.

RESERVING, HOWEVER, to the United States of America, the perpetual right, power, privilege and easement in, upon, over and across the lands hereinabove described.

(a) Occasionally to overflow, flood and submerge the land lying below elevation 1263.50 feet mean sea level, in connection with the operation and maintenance of the project;

(b) Provided that no structure for human habitation shall be constructed or maintained below elevation 1263.50 feet, mean sea level, and provided further that no other structures shall be constructed or maintained below elevation 1263.50 feet, mean sea level, unless approved in writing by the representative of the United States in charge of the project; and

SUBJECT to existing easements for public roads and highways, public utilities, railroads, and pipelines.

IN WITNESS WHEREOF, the United States of America has caused these presents to be executed in its name by the Secretary of the Army and the seal of the Army to be hereto affixed this 19th day of OCTOBER, 1965.

THE UNITED STATES OF AMERICA

BY

Stanley R. Resor
Secretary of the Army

STATE OF VIRGINIA

COUNTY OF ARLINGTON

On this 19th day of OCTOBER, 1965 before me appeared

STANLEY R. RESOR to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as the voluntary act and deed of the United States of America.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and year last above written.

Lloyd T. Ford, Notary Public
County of Arlington
State of Virginia
My Commission Expires: 1967

Lloyd T. Ford, Notary Public
County of Arlington
State of Virginia
My Commission Expires 23 Sept. 1967

Lloyd T. Ford
Notary Public
Arlington County

INDEXED
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PAGED

51 20, 24, 29, 33, 37, 42,
11 80

STATE OF NEBRASKA)
Lancaster County) ss.

Entered on numerical index and
filed for record in the register of
Deeds Office of said County the
30 day of NOVEMBER 19 65
at 9 o'clock and
minutes A. M. and recorded in
Book 701 of Deeds
at page

Kenneth L. Ferguson
REG. OF DEEDS

By _____ Deputy

\$950

Book Lady