

Indian Creek Watershed

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Henry Elscher

(hereinafter referred to as the "Grantors"), do hereby grant and convey to Gage County Soil and Water Conservation District, State of Nebraska (hereinafter called the "Grantees"),

for and in consideration of One Dollar (\$1.00), or other good and valuable considerations, in hand paid by the Grantees to the Grantors, and receipt whereof the Grantors hereby acknowledge, the Grantors do hereby grant and convey unto the Grantees, their successors and assigns, the right, privilege, and authority to use the lands hereinafter described, for the storage of waters which may be impounded by a dam to be constructed on other lands: North One Half (N $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Four (4); Township Six (6) North; Range Six (6) East of the Sixth Prime Meridian; Gage County, Nebraska.

The rights and privileges herein granted shall be subject to the following terms and conditions:

1. The Grantors herewith permit the Grantees the rights and privileges to enter upon said lands, to patrol and post such reservoirs against use during dangerous flood periods, and the Grantors agree that they will not license or authorize any person or persons to use said reservoirs during said flood periods.
2. This Easement shall not pass, nor shall the same be construed to pass to the Grantees any fee simple interest or title to the above-described lands
3. The Grantors hereby warrant that they have good and sufficient title to the lands herein described, subject to liens or mortgages itemized below:

However, the right, privileges, and authority granted herein shall be subject to any easements, rights-of-way, mineral reservations, or other rights upon, over, across, or under said lands now outstanding in third persons. This easement shall in no manner limit the rights of the Grantors, their heirs, executors, administrators, successors, and assigns, to grant additional rights-of-way of any kind whatsoever across and upon the lands hereinbefore described, so long as the same shall not interfere with the rights and privileges herein granted to the Grantees, and the Grantors retain to themselves, their heirs, executors, administrators, successors and assigns, the right to use said lands for their own purposes, so long as such uses do not interfere with the rights and privileges herein granted to the Grantees.

TO HAVE AND TO HOLD the aforesaid easement or right-of-way unto the Grantees, their successors and assigns, for so long as the Grantees, their successors and assigns, shall continue to use said easement or right-of-way for said purposes. If the Grantees fail to commence construction of said dam within sixty (60) months from the date of this Easement, or in the event the maintenance and operation of said dam shall be abandoned by the Grantees, their successors and assigns, for a period of two years, the rights and privileges herein granted shall cease and determine.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names and affixed their seals this 8 day of December 1959.

FL-F(1)  
GS-F(1)

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STATE OF Nebraska  
Gage County)

Henry Elscher  
Grantors

On this 8 day of December, A. D., 1959, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county, personally came Henry Elscher

to me known to be the identical person whose name was affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed. Witness my hand and Notarial Seal the day and year last above written.

My Commission expires the 2 day of September, 1964.  
R.A. Donslan Notary Public

STATE OF NEBRASKA, COUNTY OF GAGE SS: Filed for record and entered in Numerical Index December 8th, 1959 at 4:00 o'clock P. M., and duly recorded in Book 26 of Miscellaneous, at Page 750.

Donald F. Hawley By Walter Hotchkiss  
REGISTER OF DEEDS DEPUTY