

STATE OF NEBRASKA, COUNTY OF GAGE SS: Filed for record and entered in Numerical Index October 25, 19 74 at 3:20 o'clock P.M. and duly recorded in book 52 of Miscellaneous, at Page 434

By [Signature] REGISTER OF DEEDS DEPUTY

(\$8,328.00)

For and in consideration of Eight Thousand Three Hundred Twenty Eight & No/100 Dollar(s) and other good and valuable considerations, the receipt whereof is hereby acknowledged, Walter T. Goggins and Charlotte H. Goggins, Husband and Wife

of Phoenix, Arizona, Grantor does hereby grant, convey and release unto the Lower Big Blue Natural Resources District of Beatrice Nebraska, Grantee, its successors and assigns, a perpetual easement in, over and upon the following described land situated in the County of Gage, State of Nebraska, to wit: 20.2 Acres located in the NE 1/4, Section 18, T-6-N, R-6-E of the 6th P.M. lying on or below M.S.L. contour elevation 1417.0

for the purpose of or in connection with construction, operation, maintenance, and inspection of a Floodwater Retarding Structure, designated as site 8-D in the plans for Clatonia Creek Watershed, for the flowage of any waters in, over, upon or through such structures; and for the permanent storage and temporary detention, either or both, of any waters and sediment that are impounded, stored or detained by such structure and to include a site where suitable borrow materials may be obtained for construction, and to include a site for borrow material below M.S.L. elevation 1409.0 in the NW 1/4 NE 1/4, Section 18, T-6-N, R-6-E for the purpose of providing road fill to raise the Highland Township road between Sections 18 & 7 of T-6-N, R-6-E. The rights and privileges herein granted shall be subject to the following terms and conditions:

1. The consideration recited herein shall constitute payment in full for all damages sustained or to be sustained by the Grantor by reason of the construction, operation, maintenance, and inspection of the works of improvement described above.
 2. The grantor shall provide the grantee with ingress and egress as required to carry out the provisions of this easement.
 3. There is reserved to the Grantor, his heirs and assigns, the right and privilege to use the above described land of the Grantor at any time, in any manner and for any purpose not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the right and privilege herein granted.
 4. The grantee is responsible for operating and maintaining the above described works of improvement.
 5. This easement shall not pass nor shall the same be construed to pass, to the Grantee any fee simple interest or title to the above described lands.
- TO HAVE AND TO HOLD the aforesaid easement in, over and upon the above described land of the Grantor, with all the rights, privileges and appurtenances thereto belonging or in any wise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF The Grantor has executed this instrument on the 19th day of October, 1974.

Walter T. Goggins
Walter T. Goggins
Charlotte H. Goggins
Charlotte H. Goggins

STATE OF Arizona)
COUNTY OF Maricopa) SS.

On this 19th day of October, A.D., 1974, before me, the undersigned and qualified for and residing in said county, personally came Walter T. Goggins and Charlotte H. Goggins to me known to be the identical persons whose name affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed. Witness my hand and Notarial Seal the day and year last above written.

(SEAL) [Signature]
Notary Public

My Commission Expires July 4, 1976

My commission expires the _____ day of _____, 19____.