

STORAGE AND FLOWAGE EASEMENT

For and in consideration of One dollar (\$1.00)  
 Dollar(s) and other good and valuable considerations, the receipt whereof is  
 hereby acknowledged, Ervin Ruhnke and Lorene M. Ruhnke, husband and wife,  
Ervin Ruhnke and Louise Ruhnke, husband and wife; Marvin Hoppe and  
Marvin Hoppe, husband and wife; and Robert V. Shamburg and Karen K.  
Shamburg, husband and wife  
 of Wairbury Nebraska, Grantor does hereby grant,  
 convey and release unto the Cub Creek Watershed Conservancy District  
 of Jefferson & Gage Counties, Grantee, its successors and assigns,  
 a perpetual easement in, over and upon the following described land situated in  
 the County of Jefferson, State of Nebraska, to wit:  
Approximately 39.0 acres in the Southwest one-fourth, Section twelve,  
Township three North, Range two East (SW $\frac{1}{4}$  Sec. 12, T3N, R2E) of the 6th  
P.M. Jefferson County, Nebraska below elevation 1132.5 M.S.L.

for the purpose of permanent storage, temporary detention and flowage, either or  
 all, of any waters and sediment that are impounded, stored or detained, for the  
 clearing of trees, brush and debris within the permanent storage area and for  
 maintenance and inspection of areas to be flooded by watershed structures, de-  
 signated as site 16-B in the plans for Cub Creek  
Watershed.

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 permanent  
 storage, temporary detention and flowage, either or all, of the works of improve-  
 ment described above.
2. In the event construction on the above described works of improvement is  
 not commenced within not applicable from the date hereof, the rights  
 and privileges herein granted shall at once revert to and become the property of  
 the grantor, his heirs and assigns.
3. The grantor shall provide the grantee with ingress and egress as required  
 to carry out the provisions of this easement.
4. 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 the purpose not inconsistent with the full use and enjoyment by  
 the Grantee, its successors and assigns, of the right and privilege herein  
 granted.
5. The Grantee is responsible for operating and maintaining the above de-  
 scribed works of improvements.
6. 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.
7. Proportional water rights of the impounded water to the surface acres  
 will be awarded to the Grantor as applicable by State Law.

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 anywise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF the Grantor, has executed this instrument on the 15 day of June, 1970.

Evin Rubeke  
Harlan Rubeke  
Marian Hoppe  
Robert J. Shamburg

Lynne M. Rubeke  
Louise Rubeke  
Marian Hoppe  
Karen K. Shamburg

State of Nebraska  
ss  
Jefferson County

On this, the 15 day of June, A.D. 1970, before me the undersigned Merle J. Roney, a Notary Public, duly commissioned and qualified for and residing in said county, personally came

Evin Rubeke Louisa Rubeke & Harlan Rubeke  
Louise Rubeke & Marian Hoppe  
Marian Hoppe  
Robert J. Shamburg Karen K. Shamburg

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

Merle J. Roney  
Notary Public

My commission expires the 23 day of Feb, 1973.

8587  
STATE OF NEBRASKA }  
JEFFERSON COUNTY, } ss.

Entered in Numerical Index and filed for record the 16<sup>th</sup> day of June A. D., 1970, at 10:15 o'clock A.M. and recorded in Miss Record No. 20 Page 153

Mary E. Schmal  
County Clerk

6<sup>th</sup> JM

