

witness my hand and Notarial Seal the day and year last above written.

John E. Mekota

Notary Public.

My commission expires July 18, 1931

This indenture made this 30th day of August, 1926, between Petrolina Kovarik and Joseph Kovarik, her husband, parties of the first part, and the Nebraska Gas & Electric Company, a corporation, successor to the Blue River Power Company, a corporation, party

of the second part, WITNESSETH:

WHEREAS, the party of the second part and its predecessor have constructed and completed, and the party of the second part is now maintaining a dam across the Blue River, to the height of 16 feet above the normal level of the stream, at or near the south line of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-five (35), Township Seven (7) North, Range Four (4) East of the 6th P. M. in Saline County, Nebraska, and

"WHEREAS, the parties of the first part are the owners of the real estate hereinafter described, above the location of said dam and through which said Blue River runs, which real estate is overflowed and otherwise damaged by reason of the erection, construction and maintenance of said dam and the operation of the power plant by the said second party.

NOW, THEREFORE, the parties of the first part, in consideration of the sum of Twelve Thousand Dollars (\$12,000.00) to them in hand paid, the receipt whereof is hereby acknowledged, do hereby acknowledge full payment and satisfaction for any and all damages by them sustained or to be sustained by reason of the erection, construction and maintenance of said dam to the height of 16 feet as aforesaid, it being understood and agreed that such is the present height of said dam, and by the operation of said second party's power plant and do remise, release and quit claim and do by these presents, for themselves and their heirs, assigns, and grantees, forever convey and grant to said second party the right to construct and maintain said dam in the place aforesaid to a height of 16 feet above the normal level of the water, and the right to maintain and operate its power plant and right to overflow said Blue River over, upon and across the following described real estate situate in Saline County, Nebraska, to-wit:

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-six (26) and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-seven (27) and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-three (23) and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-two (22), all in Township Seven (7) North, Range Four (4), East of the 6th P. M. in Saline County, Nebraska, consisting of approximately 160 acres. so that neither the said parties of the first part, their heirs, assigns, grantors or any person in their names or behalf, shall or will hereafter claim or demand any damages from the party of the second part, its successors, assigns or grantees on account of or by reason of the erection, construction and maintenance of said dam across the Blue River as aforesaid, or the maintenance and operation of its said power plant.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands the day and year first above written.

In presence of:

John E. Mekota

Glenn N. Venrick

Joseph Kovarik

retrolina Kovarik

[illegible]

Witness my hand and Notarial Seal the day and year last above written.

John E. Mekota

My commission expires July 18, 1931.

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