

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
RIM RESERVE CONSERVATION PROGRAM
PERPETUAL CONSERVATION EASEMENT
FOR MARGINAL LANDS

This conservation easement, made this 30th day of December, 19 93, between _____,

Richard Burmeister and Betty Burmeister, husband and wife.

_____ herein collectively referred to as "Grantors", and the State of Minnesota, acting by and through the Board of Water and Soil Resources, herein referred to as "State."

WITNESSETH

WHEREAS, the REINVEST IN MINNESOTA RESOURCES LAW, AS AMENDED, Minnesota Statutes Sections 103F.501 et seq. and 84.95 et seq., authorizes the State to acquire conservation easements on eligible lands and to establish conservation practices on the lands acquired to protect soil and water quality and to enhance fish and wildlife habitat; and

WHEREAS, the Grantors are the owners of eligible marginal land and desire to convey a conservation easement, containing a conservation plan covering such land, to the State.

NOW, THEREFORE, the Grantors, for themselves, their heirs, successors and assigns, in consideration of the sum of DOLLARS (Eleven Thousand Four Hundred Seventy and 92/100), do hereby convey and warrant to the State, forever, a perpetual conservation easement in accordance with the terms and conditions as hereafter set forth in Minnesota Statutes Sections 103F.501 et seq. and all rules adopted thereto, over and upon the following described land situated in the County of Rock, State of Minnesota, to-wit:

Part of the west 1,150 feet of the SW1/4 of the NE1/4 of Section 20, T. 103 N., R. 45 W.

Where the legal description for a parcel described above is general, this conservation easement covers only that portion of the parcel delineated as the "easement area" on Exhibit "A," which is attached and incorporated herein. The easement area consists of a total of 20.3 acres, of which NO acres are donated to the State. The easement area is subject to all easements, roadways, minerals and mineral rights of record.

FURTHER, Grantors, for themselves, their heirs, successors and assigns do further grant, convey and warrant to the State the perpetual right to enter upon the easement area for the purpose of inspection and enforcement of this conservation easement, together with the perpetual right to ingress and egress to the easement area from a public road. Established access routes shall be used whenever feasible.

FURTHER, Grantors represent and warrant that there are no toxic or hazardous substances, pollutants, or contaminants in or on the easement area and that the Grantors, their heirs, successors and assigns shall not place any toxic or hazardous substances, pollutants, or contaminants, in or on the easement area.

NO RIGHTS HEREIN ARE GRANTED TO THE GENERAL PUBLIC FOR ACCESS TO OR ENTRY UPON THE LANDS DESCRIBED HEREIN.

IN ADDITION, THE GRANTORS, FOR THEMSELVES, THEIR HEIRS, SUCCESSORS AND ASSIGNS COVENANT THAT THEY:

1. Shall establish and maintain the vegetative cover, including any necessary replanting of vegetative cover, and other conservation practices, including any necessary reconstruction or repair of any structures, on the easement area as described in the conservation plan, attached and incorporated herein as Exhibit "B". The conservation plan, and any subsequent amendments that have been mutually agreed upon in writing, are located in the office of the Board of Water and Soil Resources or the Soil and Water Conservation District for the area, or their successors.
2. Shall be responsible for weed control to comply with noxious weed control laws or emergency control of pests necessary to protect the public health.
3. Shall not alter wildlife habitat, natural features or the vegetative cover and other conservation practices established in the conservation plan without the prior written approval of the State.
4. Shall not graze livestock on the easement area.
5. Shall not produce agricultural crops or employ timber stand improvement measures on the easement area unless as part of the conservation plan.

6. Shall acknowledge that this conservation easement shall be enforceable at the discretion of the State as provided in Minnesota Statutes Section 103F.515, and/or, such other relief as may be authorized by law.
7. Shall restore easement area to the condition described in the conservation plan after any lawful repair or improvement necessary to maintain a public drainage system.
8. Shall notify the State in writing of the names and addresses of any new owners of all or part of the title or interest in the easement area described herein within 30 days after such conveyance.
9. Shall pay, when due, all taxes and assessments, if any, that may be levied against the easement area.
10. Shall acknowledge that this conservation easement shall run with the land and shall be binding upon the Grantors, their heirs, successors and assigns.
11. Shall not place any materials, substances, or objects, nor erect or construct any structures of any type, temporary or permanent, on the easement area, except as provided in the conservation plan.
12. Shall undertake the protection and management of the easement area in accordance with the conditions set forth in this conservation easement.
13. Shall acknowledge these additional provisions:

FURTHER, any ambiguities in this conservation easement shall be construed in a manner which best serves the purposes of protecting soil, improving water quality and enhancing fish and wildlife habitat.

FURTHER, THE GRANTORS, FOR THEMSELVES, COVENANT that they shall not convert to agricultural crop production or pasture any other land, owned or leased as part of the same farm operation at the time the Landowner signed the application, if said land supports natural vegetation or has not been used in agricultural crop production or pasture.

IN WITNESS WHEREOF, the Grantors have caused this conservation easement to be duly executed.

Richard Burmeister
Richard Burmeister

Betty Burmeister
Betty Burmeister

ACKNOWLEDGEMENT BY GRANTORS

STATE OF Minnesota,)
COUNTY OF Rock)

The foregoing instrument was acknowledged before me this 30 day of December, 1993,
by Richard Burmeister and Betty Burmeister, husband and wife.

(Notary Stamp or Seal)



Marlene K. Stueven
(Notary Public Signature)
Commission expires on 5-3-95
(Date)

County Recorder Use Only

THIS INSTRUMENT WAS DRAFTED BY :
Board of Water and Soil Resources
155 South Wabasha Street, Suite 104
St. Paul, Minnesota 55107

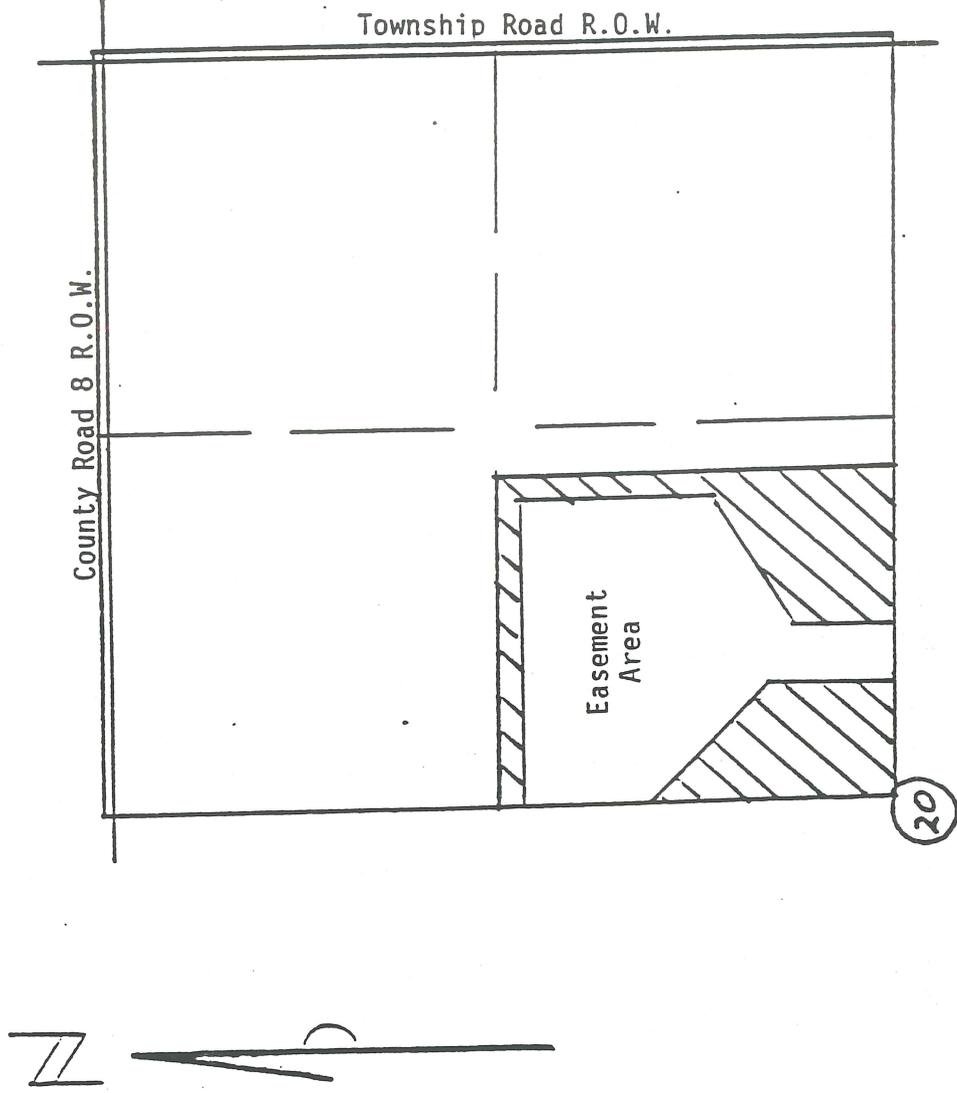
134173
Office of COUNTY RECORDER } ss.
Rock County, Minn.
I hereby certify that the within instrument
was filed in this office for record on the
30th day of December
1993 at 1:00 o'clock P. M.
and was duly recorded as instrument
No. 134173
Gene D. Payne
COUNTY RECORDER
By _____
Deputy

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
CONSERVATION EASEMENT
EXHIBIT "A"

Map 1 of 1

This map delineates the easement area(s) referred to in the attached
easement conveyance.

SECTION 20, T. 103 N., R. 45 W., Rock COUNTY



Scale: 4 Inches = 1 mile
 8 Inches = 1 mile

LEGEND

-  Boundary of Described Lands
-  Lands Covered by Easement
-  Lands Not Included in Easement
-  Center of Section

For County Recorder Use Only:

Prepared by:
John Burgers

Dated:
8-24-93

EXHIBIT B

CONSERVATION PLAN

CONSERVATION EASEMENT

I.D. 67-01-92-01

SHEET 1 OF 1

LANDOWNER NAME: RICHARD BURMEISTER		FULL ADDRESS: R1 Box 90A Luverne MN 56156		COUNTY ROCK	TOTAL ACRES 20.3	EASEMENT DURATION: <input checked="" type="checkbox"/> PERPETUAL <input type="checkbox"/> LIMITED
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PRACTICE AREA	CONSERVATION PRACTICE CODE AND DESCRIPTION	ACRES (#/A)	MAXIMUM PROGRAM PAYMENT (\$)	ESTIMATED TOTAL COST OF PRACTICE (\$)	AMOUNT (\$)	SPECIFY LANDOWNER OR OTHER SOURCE	YEAR	ACRES (#/A)	COMPLETION SCHEDULE
									PAYMENT IS LANDOWNER RESPONSIBILITY

1, 2	RR-9 VEGETATIVE COVER - GRASS AND/OR - ALREADY ESTABLISHED	20.3	NONE	NONE	NONE	LANDOWNER	1993	20.3	
2	RR-3 TREE AND/OR SHRUB PLANTING	4.0	\$1,200.00	\$1,200.00	NONE	LANDOWNER	1993	4.0	

• SEE PLAN MAP AND OTHER TERMS AND CONDITIONS ON REVERSE SIDE. ALSO SEE ATTACHED CONSERVATION PLAN SUPPLEMENT (PRACTICE CODES AND DESCRIPTIONS).

•• GRANTORS (LANDOWNERS) MAY OBTAIN FUNDING FROM OTHER SOURCES BUT ARE RESPONSIBLE FOR ANY BALANCE INCLUDING COST OVERRUNS, INELIGIBLE COSTS AND COSTS

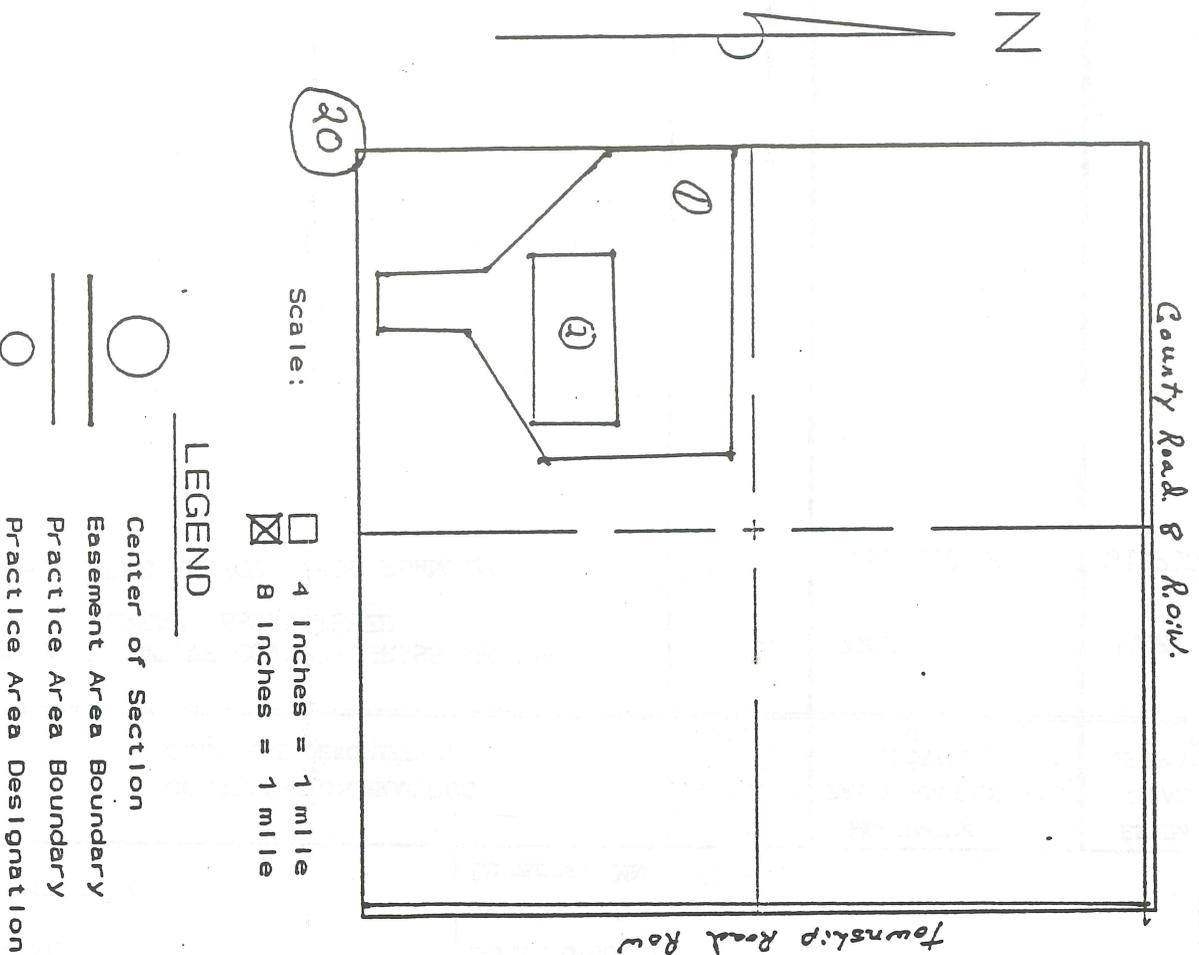
NOT PAID BY OTHER SOURCES. AN ATTEMPT WILL BE MADE TO LOCATE ADDITIONAL FUNDING SOURCE(S) WHEN NECESSARY OR IF A BALANCE CANNOT BE PAID BY THE INDICATED SOURCE.

ADDITIONAL TERMS AND CONDITIONS

The Grantors, all successors, assigns, and heirs collectively called "LANDOWNERS" are required to establish and maintain the conservation practices described in this Conservation Plan (Plan) for the duration of the conservation easement. This responsibility is also subject to the conservation easement terms and conditions, applicable laws and the following:

1. The Landowners will establish all conservation practices described in this Plan at the time indicated using the required easement program Conservation Practice Specifications. The Landowners will be provided with both a planting plan and specific operation and maintenance requirements for each conservation practice by the local Soil and Water Conservation District (SWCD). Any change to this Plan must be made in writing and approved by the Board of Water and Soil Resources, hereinafter referred to as "State."
2. The maximum liability of the State for cost-sharing the establishment of a conservation practice is shown in the column titled "Maximum Program Payment Allowed" on the front side of this Plan. Landowners are responsible for all costs in excess of the maximum program payment amount including cost overruns, any ineligible costs, etc. Landowners may accept financial assistance from other sources to establish conservation practices but remain responsible for any cost not paid by the other source.
3. A Certification of Practice Completion is required before any eligible cost-share payments can be made by the State. An SWCD representative will certify the completion of each conservation practice as required by the easement program Conservation Practice Specifications. The conservation easement must be finalized and recorded before any cost-share payment can be made by the State. The State is not obligated for any costs incurred by the Landowners if the conservation easement is not finalized.
4. Any cropping, grazing, and alteration of wildlife habitat, natural features, or vegetative cover on the easement area is prohibited without prior written approval of the State.
5. The Landowners are responsible for noxious weed or pest control costs beyond that required to establish the conservation practice. Any necessary weed and pest control must be consistent with the terms and conditions of the conservation easement all and applicable laws. An SWCD representative will periodically inspect the easement area and the required conservation practices.
6. Violations of the conservation easement, including this Plan, are enforceable by law by the State.

CONSERVATION PLAN MAP



- Scale: 4 inches = 1 mile
 8 inches = 1 mile
- LEGEND
- Center of Section
 - Easement Area Boundary
 - Practice Area Boundary
 - Practice Area Designation

CONSERVATION PLAN SUPPLEMENT

CONSERVATION PRACTICE CODES AND DESCRIPTIONS:

RR-1 INTRODUCED GRASSES AND LEGUMES

Planting will be done according to the planting instructions provided to the landowner. A copy of the planting instructions, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-2 NATIVE GRASSES

Planting will be done according to the planting instructions provided to the landowner. A copy of the planting instructions, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-3 TREE AND/OR SHRUB PLANTING

Planting will be done according to the planting instructions provided to the landowner. A copy of the planting instructions, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-4 FIELD WINDBREAK

Planting will be done according to the planting instructions provided to the landowner. A copy of the planting instructions, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-5 DIVERSION

This conservation practice will be installed according to the design and implementation schedule provided to the landowner and as required by RIM Reserve Conservation Practice Specifications. A copy of the design, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-6 EROSION CONTROL STRUCTURE

This conservation practice will be installed according to the design and implementation schedule provided to the landowner and as required by RIM Reserve Conservation Practice Specifications. A copy of the design, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-7 GRASS WATERWAY

This conservation practice will be installed according to the design and implementation schedule provided to the landowner and as required by RIM Reserve Conservation Practice Specifications. A copy of the design, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-8 WETLAND RESTORATION

This conservation practice will be installed according to the design and implementation schedule provided to the landowner and as required by RIM Reserve Conservation Practice Specifications. A copy of the design, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-9 VEGETATIVE COVER - GRASS AND/OR LEGUMES - ALREADY ESTABLISHED

This conservation practice is existing vegetative cover of grasses and/or legumes. This cover will be inspected and evaluated at least annually by the local Soil and Water Conservation District (SWCD) to assure its adequacy and compliance with RIM Reserve Conservation Practice Specifications. A copy of the conservation practice specifications is on file at the SWCD office.

RR-10 VEGETATIVE COVER - TREES AND/OR SHRUBS - ALREADY ESTABLISHED

The conservation practice is existing vegetative cover of trees and/or shrubs. This cover, including the grasses and/or legumes within it, will be inspected and evaluated at least annually by the local Soil and Water Conservation District (SWCD) to assure its adequacy and compliance with RIM Reserve Conservation Practice Specifications. A copy of the conservation practice specifications is on file at the SWCD office.

RR-11 HIGHWAY WINDBREAK

Planting will be done according to the planting instructions provided to the landowner. A copy of the planting instructions, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-12 SHALLOW WATER AREA - CREATION

This conservation practice will be installed according to the design and implementation schedule provided to the landowner and as required by RIM Reserve Conservation Practice Specifications. A copy of the design, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-13 SHALLOW WATER AREA - ALREADY ESTABLISHED

The conservation practice is an existing shallow water area, either naturally-occurring or previously established. Any water level control, outlet structure, or related constructed component will be inspected and evaluated at least annually by the local Soil and Water Conservation District (SWCD) to assure its adequacy and compliance with RIM Reserve Conservation Practice Specifications. A copy of the conservation practice specifications are on file at the SWCD office.

RR-14 TEMPORARY COVER

A temporary vegetative cover must be initially established on the designated practice area for one or more of the following reasons: (a) herbicide persistence, (b) weed suppression, or (c) erosion control. RIM Reserve funds used to install this conservation practice are deducted from the allotment of the permanent cover practice which is also designated to this practice area. Planting will be done according to the planting instructions provided to the landowner. A copy of the planting instructions, as well as the conservation practice specifications, are on file at the local Soil and Water Conservation District office.

RR-15 WILDLIFE FOOD PLOT

A wildlife food plot will be annually established according to the planting plan provided to the landowner, and without cost-share assistance from the RIM Reserve Program. The landowner must use accepted soil conservation techniques during site preparation, planting, and weed control. If the food plot is discontinued, the area must be established to a vegetative cover meeting the RIM Reserve Conservation Practice Specifications as directed by the local Soil and Water Conservation District and without cost-share assistance from the RIM Reserve Program.

