

STATE OF SOUTH DAKOTA 25201
COUNTY OF CAMPBELL
Office of REGISTER OF DEEDS

Filed for Record on 1/15/2013 at 11:03 AM
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on Page 753-760

Mandy Horner
Register of Deeds

Prepared By: U.S. Fish and Wildlife Service
Wetland Acquisition Office
39620 Sand Lake Drive
Columbia, SD 57433
(605) 885-6357

☒ Recorded ☒ Compared ☒ Deputy
☒ Grantor TRANSFER 0.00 FEE 30.00

Grassland Easement
Revised October 2005

UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
GRANT OF EASEMENT FOR WATERFOWL HABITAT PROTECTION

THIS INDENTURE is by and between Catherine Fischer also known as Katherine Fischer, a single person of 402 H Avenue, Eureka, SD 57437, and George Fischer and Leslie Stafford, his wife of 3319 E Orange Drive, Phoenix, AZ 85018, and Susan Branham, a single person of 3425 E. Seneca, Tucson, AZ 85716, and Wayne F. Fischer, a single person of 11582 316th Avenue, Eureka, SD 57437 hereafter referred to as "Grantors", and the UNITED STATES OF AMERICA, and its assigns hereafter referred to as "United States" or "Grantee", acting by and through the Secretary of the Interior or the Secretary's authorized representative ("Secretary"), hereafter, collectively, referred to as the "Parties."

WITNESSETH

WHEREAS, the Migratory Bird Conservation Act, 16 U.S.C. §§ 715-715s, the Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. §§ 718-718j; the Land and Water Conservation Fund Act of 1965, 16 U.S.C. § 4601-4 to 4601-11; the Fish and Wildlife Act of 1956, 16 U.S.C. §§ 742a-742j; the Emergency Wetlands Resources Act of 1986, 16 U.S.C. §§ 3901-3932; the North American Wetlands Conservation Act, 16 U.S.C. §§ 4401-4412, and the Endangered Species Act, 16 U.S.C. §§ 1531-1544, authorize the Secretary to acquire lands and waters, or interests therein, for the conservation, development, advancement, management, and protection of fish and wildlife species and resources. The purpose of this easement is to protect the habitat quality of the lands described on Exhibit A and such lands shall be maintained to provide cover, especially nesting cover, and food for a varied array of aquatic, terrestrial, and avian wildlife, particularly waterfowl and threatened and endangered species. The lands described on Exhibit A are hereinafter referred to as a wildlife management area, and

WHEREAS, the lands described below contain habitat suitable for use as wildlife management areas.

NOW, THEREFORE, for and in consideration of the sum of ~~Two Hundred Fifty and No/100~~ **** One Hundred Twenty Eight Thousand** Dollars (\$128,250.00), the Grantors hereby grant to the United States, commencing with the acceptance of this indenture by the Secretary, an easement which includes a right of use for the maintenance of the lands described on Exhibit A, as wildlife management areas, in perpetuity, including the right of ingress to and egress on, over, across and through any and all lands of the Grantors, as described below, by authorized representatives of the United States. No rights herein are granted to the general public for access to or entry upon the land subject to this grant of easement for any purpose. The lands described on Exhibit A are located within, and the aforementioned right of ingress and egress extends on, over, across and through any and all lands within the following-described legal subdivision(s) in Campbell County, State of South Dakota, to-wit:

T. 126 N., R. 75 W., 5th P.M.

sec. 23, NE¼ EXCEPT the N 885' of the W 590', SE¼NW¼ EXCEPT the N 200' of the W 200', S½SW¼NW¼, the W 550' of the NW¼NW¼, the W 550' of the NW¼SW¼NW¼;
sec. 26, NW¼.

T. 126 N., R. 74 W., 5th P.M.

sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT the N 250' of the W 250', SE $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPT the N 250' and also EXCEPT that portion conveyed to George Beck in Book 16, Deeds, page 558, E $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$.

SUBJECT, however, to all statutory rights-of-way and other valid existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, telegraph and telephone lines, cable lines, and all mineral rights.

The conveyance hereunder shall be effective on the date of the execution of this Indenture by the Secretary; provided, however, that such acceptance must be made within 12 calendar months from date of the execution of this Indenture by the Grantors, or any subsequent date as may be mutually agreed upon in writing by the parties hereto prior to the expiration of such date; and provided further, however, that in the event such acceptance is not made by such date, this Indenture shall be null and void.

The Grantors, for themselves, and for their heirs, successors and assigns, lessees, and any other person claiming under them, covenant and agree that they will cooperate in the maintenance and protection of the habitat areas, delineated on the map(s) attached hereto as Exhibit A, as wildlife management areas for the protection of fish and wildlife resources and to maintain the quality of these lands to provide cover for wildlife, especially nesting cover, and food for a varied array of aquatic, terrestrial, and avian wildlife, particularly waterfowl, and threatened and endangered species. To that end and for the purpose of accomplishing the intent of this Indenture, the Grantors, for themselves or for their heirs, successors, and assigns, lessees, or any other person or person claiming under them covenant and agree as follows:

1. Grantors will cooperate in maintenance of the wildlife management area by maintaining permanent vegetative cover, consisting of grasses, forbs and low-growing shrubs, on said habitat areas, as follows: There shall be no haying or mowing or seed harvesting for any reason until after July 15 in any calendar year, no alteration of grassland, wildlife habitat or other natural features by digging, plowing, disking or otherwise destroying the vegetative cover, and no agricultural crop production upon the habitat areas delineated on Exhibit A, unless prior approval in writing is granted by the U.S. Fish and Wildlife Service; except that grazing the aforesaid lands is permitted at any time throughout the calendar year without approval in writing.
2. Grantors will pay taxes and assessments, if any, which may be levied against the land.
3. Noxious weed control and emergency control of pests necessary to protect the public good are allowed and will be the responsibility of the Grantors, subject to Federal and State Statutes and Regulations. However, mowing/haying noxious weed is prohibited in accordance with the easement terms stated above.
4. This easement and the covenants and agreements contained herein shall run with the land and shall be binding on all persons and entities who shall come into ownership or possession of the lands subject to this easement. The Grantors, successors and assigns shall notify the Regional Director, U.S. Fish and Wildlife Service in writing of any sale or transfer at least 30 days following the sale or transfer of any portion of the lands subject to this easement.

Copies of the above-referenced map(s), Exhibit A, are on file in the Office of the Regional Director, U.S. Fish and Wildlife Service.

It is understood that this Indenture imposes no other obligations or restrictions upon the Grantors and that neither they nor their successors, assigns, lessees, nor any other person or party claiming under them shall, in any way, be restricted from utilizing all of the subject lands in the customary manner for agricultural purposes except as provided herein.

It is further understood that the rights and interests granted to the United States herein shall become part of the National Wildlife Refuge System and shall be administered by the U.S. Fish and Wildlife Service, pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd.

SPECIAL PROVISIONS

1. This indenture shall not be binding upon the United States until accepted on behalf of the United States by the Secretary, although this indenture is acknowledged by the Grantors to be presently binding upon them and to remain so until the expiration of said period for acceptance, as hereinabove described, by virtue of the payment to the Grantors, by the United States, of the sum of One Dollar, the receipt of which is hereby expressly acknowledged by Grantors.
2. Notice of acceptance of this Indenture shall be given the Grantors by certified mail addressed to

Catherine Fischer, 402 H Avenue, Eureka, SD 57437
shall be effective upon the date of mailing, and such notice shall be binding upon all Grantors without sending a separate notice to each.
3. Payment of the consideration will be made by a United States Treasury check or a check from a private conservation organization or by electronic funds transfer, after acceptance of this indenture by the Secretary and after the Attorney General, or in appropriate cases, the Solicitor of the Department of the Interior shall have approved the easement interest thus vested in the United States.
Payment to Catherine Fischer.

C.F. 6-15-12 W.F.F. 6-15-12 G.F. 6-15-12 S.B.

IN WITNESS WHEREOF the Grantors have hereunto set their hands and seals on this 22nd day of May in the year 2012.

Catherine Fischer (L.S.) Wayne F. Fischer (L.S.)
Catherine Fischer also known as Katherine Fischer Wayne F. Fischer

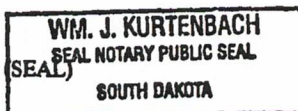
George Fischer (L.S.) Leslie Stafford (L.S.)
George Fischer Leslie Stafford

Susan Branham (L.S.) _____ (L.S.)
Susan Branham

ACKNOWLEDGMENT

STATE South Dakota)
COUNTY Campbell)ss

On this 30th day of May in the year 20 12 before me personally appeared Catherine Fischer also known as Katherine Fischer, a single person of 402 H Avenue, Eureka, SD 57437, and Wayne F. Fischer, a single person, of 11582 316th Avenue, Eureka, SD 57437 known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.



Notary Public: Wm. J. Kurtenbach
My commission expires: 8-30-2016

My Commission expires 8-30-2016

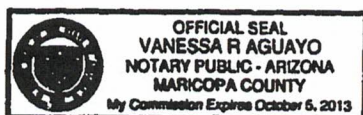
ACKNOWLEDGMENT

STATE Arizona)
COUNTY Maricopa)ss

On this 22nd day of May in the year 20 12 before me personally appeared George Fischer and Leslie Stafford his wife, of 3319 E Orange Drive, Phoenix, AZ 85018-1433 known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.

(SEAL)

Notary Public: Vanessa R. Aguayo
My commission expires: October 5, 2013



ACKNOWLEDGMENT

STATE Arizona)
COUNTY Pima) ss

On this 26 day of May in the year 2012 before me personally appeared Susan Branham, a single person of 3425 E. Seneca, Tucson, AZ 85716, known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: [Signature]

My commission expires: 7/14/2015

(SEAL)



ACCEPTANCE

The Secretary, acting by and through the Secretary's authorized representative, has executed this agreement on behalf of the United States this _____ day of NOV 09 2012, 20____.

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR

By: [Signature]

^{Acting}
Title:

CHIEF, DIVISION OF REALTY
U.S. Fish and Wildlife Service

Granted Easement
November 1989

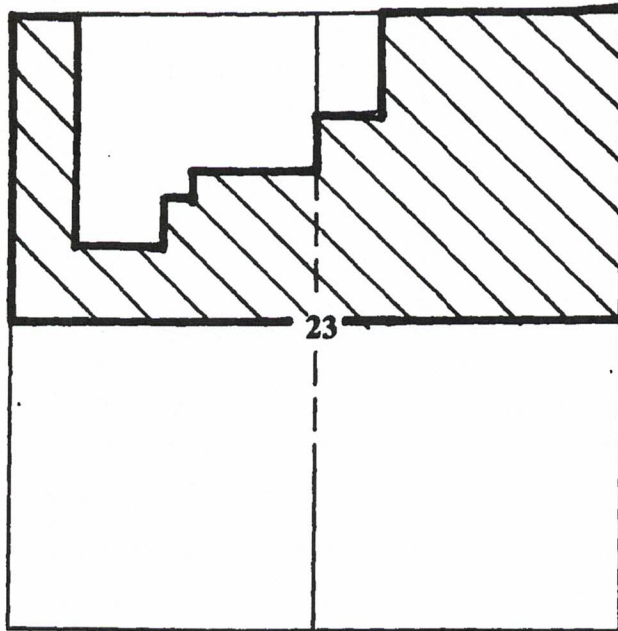
UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
EXHIBIT "A"

Map 1 of 3

TRACT (2110,1,2)

WILDLIFE MANAGEMENT AREA Campbell COUNTY, STATE OF South Dakota.
EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.
T. 126 N., R. 75 W., 5th P.M.

sec. 23, NE $\frac{1}{4}$ EXCEPT the N 885' of the W 590', SE $\frac{1}{4}$ EXCEPT the N 200' of the W 200',
SW $\frac{1}{4}$ SW $\frac{1}{4}$, the W 550' of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, the W 550' of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;



Scale: 4 Inches = 1 Mile

This map delineates lands referred to in the easement conveyance dated 5-22-12
which the parties of the first part agree to maintain as a Wildlife Management Area.

Catherine Fischer
Catherine Fischer also known as Katherine Fischer
Wayne F. Fischer
Wayne F. Fischer

George Fischer
George Fischer
Leslie Stafford
Leslie Stafford
Susan Branham
Susan Branham

Legend

- Boundary of Easement Description
▨ Lands covered by provisions of the easement

Prepared by: Wm. J. Kurtenbach, Realty Specialist Date: May 16, 2012.

Conservation Easement
November 1989

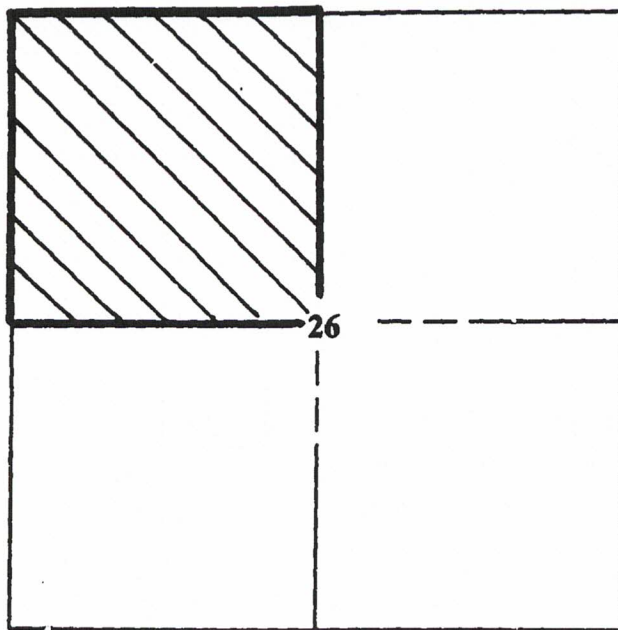
UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
EXHIBIT "A"

Map 2 of 3

TRACT (211G,1,2)

WILDLIFE MANAGEMENT AREA Campbell COUNTY, STATE OF South Dakota.
EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.
T. 126 N., R. 75 W., 5th P.M.

sec. 26, NW¼



Scale: 4 Inches = 1 Mile

This map delineates lands referred to in the easement conveyance dated 5-22-12 which the parties of the first part agree to maintain as a Wildlife Management Area.

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Legend

- Boundary of Easement Description
▨ Lands covered by provisions of the easement

Prepared by: Wm. J. Kurtenbach, Realty Specialist Date: May 16, 2012.

Conserved Easement
November 1989

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
EXHIBIT "A"

Map 3 of 3

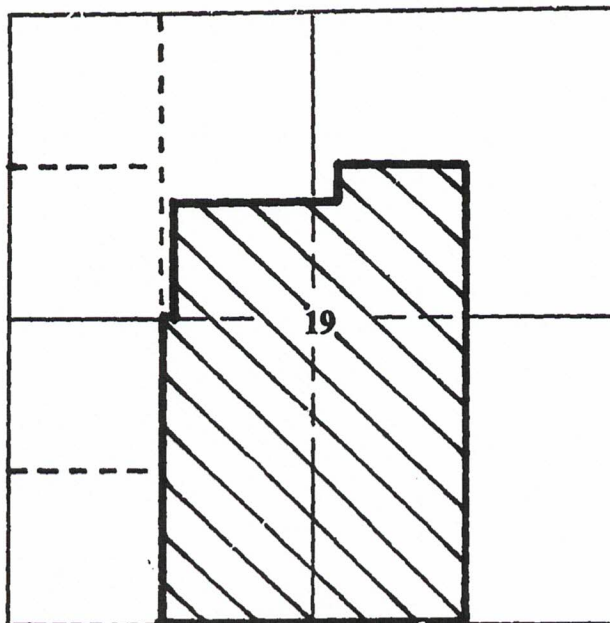
TRACT (211G,1,2)

WILDLIFE MANAGEMENT AREA Campbell COUNTY, STATE OF South Dakota.

EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.

T. 126 N., R. 74 W., 5th P.M. W.F.F. 12/15/2012, C. 72/5/12, SMB 12/15/12,
2012 12/15/2012 GR 7 12/15/12

sec. 19, SWANEX EXCEPT the N 250' of the W 250', SEANWA EXCEPT the N 250' and also EXCEPT that portion conveyed to George Beck in Book 16 deeds, page 558, EASWA, WASEX



LOT TABLE

Lot 1	33.89
Lot 2	34.15
Lot 3	34.41
Lot 4	34.67

Scale: 4 Inches = 1 Mile

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Wayne F. Fischer

George Fischer
George Fischer

Leslie Stafford
Leslie Stafford

Susan Branham
Susan Branham

Legend

- Boundary of Easement Description
▨ Lands covered by provisions of the easement

Prepared by: Wm. J. Kurtenbach, Realty Specialist Date: June 14, 2012.