

AR2263272

Conservation Easement Deed

THIS CONSERVATION EASEMENT dated this 10th day of July, 1991 by and between the UNITED STATES OF AMERICA, acting by and through the Secretary of Agriculture represented by the Farmers Home Administration, herein referred to as the "Grantor" or "landowner", and the UNITED STATES OF AMERICA acting by and through the Secretary of the Interior on behalf of the United States Fish and Wildlife Service, herein referred to as the "Grantee".

This easement is under the authority and in furtherance of the provisions of Federal law, including sections 331, 335 and 354 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981, 1985, and 2002), Executive Order 11990 providing for the protection of wetlands, and Executive Order 11988 providing for the management of floodplains, and Section 1314 of the Food Security Act of 1985 authorizing the grant of conservation easements. The restrictions and covenants contained in this easement constitute a perpetual servitude on and run with the property. The Grantor and all successors and assigns ("landowner") under this deed covenant with the grantee to do or refrain from doing, severally and collectively, the various acts mentioned later in this easement. The Grantee is conveyed the rights enumerated in this easement for itself and its successors, agents, and assigns.

NOW THEREFORE, for and in consideration of the Congressionally mandated purposes as authorized by the above referenced authorities and other conservation benefits conferred by the transfer of these lands pursuant to federal law, the grantor does grant, convey and transfer a conservation easement with appurtenant rights of access to the Grantee on and over the following described lands.

I. Description of the Easement Area and Access Thereto:

The area subject to this Conservation easement, referred to herein as the "easement area" is described as follows:

Township 4 North, Range 64 West of the 6th P.M.

Section 2: that portion of the Northwest Quarter (NW1/4) described as follows: considering the West line of the Northwest Quarter of said Section 2 as bearing South 0° 48' 12" West with all bearings contained herein relative thereto. Beginning at the Northwest Corner of said Section 2; thence along the West line of said Northwest Quarter South 0° 48' 12" West 793.29' to the TRUE POINT OF BEGINNING; thence continuing along the West line of said Northwest Quarter South 0° 48' 12" West 1489.94' to a point being 330.00' Northerly from the West Quarter Corner of said Section; thence parallel with the East-West Centerline of said Section South 89° 42' 15" East 660.00 feet; thence parallel with the West line of said Northwest Quarter South 0° 48' 12" West 330.00 feet to the East-West Centerline of said Section 2; thence along said East-West Centerline South 0° 42' 15" East 1986.15 feet to the Center of said Section 2; thence along the North-South Centerline of said Section North 0° 03' 12" East 2626.62 feet to the North Quarter Corner of said Section; thence along the North line of said Northwest Quarter North 89° 59' 59" West 1653.88 feet to a point being 958.04 feet Easterly from the Northwest Corner of said Section; thence South 3° 45' 32" West 799.79 feet; thence North 89° 42' 16" West 914.66 feet, more or less, to the TRUE POINT OF BEGINNING.

And this easement area being a part of that tract of land conveyed from Public Trustee of Weld County to United States of America acting through the Farmers Home Administration by deed dated June 6, 1985, which deed is recorded at Book 1072, film 0733, reception number 02012611 in the land records of Weld County, State of Colorado, said tract being referenced herein as the "servient estate".

II. Covenants by the Landowner.

- A. No dwellings, barns, outbuildings, or other structures shall be built within the easement area EXCEPT that existing buildings serving agricultural purposes or as residences may be replaced as needed.
- B. The vegetation or hydrology of the described easement area will not be altered in any way or by any means or activity on the property conveyed by this deed or on property owned or under the control of the landowner, including (1) cutting or moving; (2) cultivating; (3) grazing; (4) harvesting wood products; (5) burning; (6) placing of refuse, wastes, sewage, or other debris; (7) draining, dredging, channelling, filling, disking, pumping, diking, impounding, and related activities; or (8) diverting or affecting the natural flow of surface or underground waters into, within, and out of the easement area, unless the activity is prescribed in a U.S. Soil Conservation Service conservation plan prepared jointly by the U.S. Soil Conservation Service and the U.S. Fish and Wildlife Service and approved by the U.S. Fish and Wildlife Service.
- C. Notwithstanding the provisions of paragraph II-B above, the landowner shall be responsible for compliance with all Federal, State, and local laws for the control of noxious or other undesirable plants on the easement area. The responsibility for such plant control may be assumed in writing by and at the option of the easement manager where control or manipulation of such plants is deemed by the manager to affect easement management programs or policies.
- D. The grasslands and trees within the easement area shall be maintained in vegetation consisting of grasses, grass-like plants and forbs native to the State of Colorado, as listed by the United States Department of Agriculture, Soil Conservation Service. This vegetation is to be maintained without any disturbance to the soil surface other than that caused by grazing or burning. The planting or seeding of any crop, grass, legume, forb, shrub, vine, or tree is prohibited, unless the activity is prescribed in a U.S. Soil Conservation Service conservation plan prepared jointly by the U.S. Soil Conservation Service and the U.S. Fish and Wildlife Service and approved by the U.S. Fish and Wildlife Service.

III. Rights Conveyed to Grantee.

The Grantee and its successors or assigns, is conveyed the right, at its sole discretion, to manage the easement area, including the following authorities:

- A. The right of reasonable ingress and egress on and across any and all lands and easements of the landowner ("servient estate") as of the date of this instrument, whether or not adjacent or appurtenant to the easement area, for access to the easement area in order to conduct wetlands management, monitoring, and easement enforcement activities. The Grantee may utilize vehicles and other reasonable modes of transportation for access purposes overland or on any right of way described in Paragraph I. In the event that the use of the described access right of way over the servient estate is not practical for any reason, the Grantee may utilize any convenient route of access to the easement area over the servient estate. With the concurrence of the Grantee, the landowner may provide a designated route for such access to and from the easement area so that damage to farm operations can be reasonably avoided.

- B. The right to install, operate, and maintain structures for the purpose of reestablishing, protecting, and enhancing wetland functional values including the taking of construction materials to and from said sites.
- C. The right to establish or reestablish vegetation through seedings, plantings, or natural succession.
- D. The right to manipulate vegetation, topography, and hydrology on the easement areas through diking, pumping, water management, excavating, island construction, burning, cutting, pesticide application, fertilizing, and other appropriate practices.
- E. The right to conduct predator management activities.
- F. The right to construct and maintain fences in order to prevent grazing or other types of encroachment on the easement area.

IV. Easement Management and Administration.

- A. All right, title, and interests of the Grantee in this easement are administered by the United States Fish and Wildlife Service as part of the National Wildlife Refuge System pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd ~~et seq.~~. The U.S. Fish and Wildlife Service may enforce all the terms and conditions of this easement, along with exercising all rights and powers reserved in this easement through such general or specific regulations or orders as have been or may be, from time to time, promulgated under the authority of the Secretary of the Interior. Notwithstanding the above rights in paragraphs III, conveyed to the Grantee, the U.S. Fish and Wildlife Service may permit the landowner to pursue such activities on said sites as would be consistent with preservation and enhancement of floodplain and wetland functional values.
- B. As used in this easement, the term "Grantee" shall refer to the authorized official of the U.S. Fish and Wildlife Service.

V. General Provisions.

- A. The agreed upon purposes of this easement are the preservation and maintenance of the wetland and floodplain areas existing as of the date of this conveyance as well as protection and enhancement of plant and animal habitat and populations. Such purposes shall constitute the dominant estate within the easement area. A "wetland" is defined by reference to section 7(c) of Executive Order 11990 and a "floodplain" is defined by reference to section 6(c) of Executive Order 11988. Any ambiguities in this easement shall be construed in a manner which best effectuates wetlands preservation and fish and wildlife purposes.
- B. Any subsequent amendment to or repeal of any Federal law or order which authorizes this easement shall not affect the rights conveyed to the Grantee or subsequently held by its successors or assigns.
- C. For purposes of this easement, wetland management rights conveyed to the Grantee include, but are not limited to, inspection for compliance with the terms of this easement; research regarding water, wetlands, fish and wildlife and associated ecology; and any other activity consistent with the preservation and enhancement of wetland functional values.

- D. The Grantee, its successors and assigns shall have the right to make surveys, take photographs, and prepare such other documentation as may be necessary or desirable to administer the provisions of this easement. Any such map, plat, or other suitable document may be recorded in the land records of the respective county in which the property is located.
- E. The easement reservation does not authorize public entry upon or use of land.
- F. The landowner and invitees may hunt and fish on the easement area in accordance with all Federal, State, and local game and fishery regulations.
- G. This easement shall be binding on the landowner, and the landowner's successors or assigns. The landowner covenants to warrant and defend unto the Grantee, its successors or assigns, the quiet and peaceable use and enjoyment of the land and interests in the land constituting this reservation against all claims and demands.
- H. In the performance of any rights of the Grantee under this easement, the Grantee may permit, contract, or otherwise provide for action by employees, agents, or assigns which may include the landowner.

B 1311 REC 02263272 09/16/91 15:14 \$25.00 5/005
F 0711 MARY ANN FEUERSTEIN CLERK & RECORDER WELD CO, CO

Dated: July 10, 1991

UNITED STATES OF AMERICA

By Judy A. Jaklich

JUDY A. JAKLICH
(Title) State Director

Farmers Home Administration
655 Parfet Street, Room E100
Lakewood, CO 80215

ACKNOWLEDGEMENT

STATE of Colorado

COUNTY of Jefferson

On this 10th day of July, before me the subscriber, a Notary Public, in and for the above County and State, appeared Judy A. Jaklich, known to me to be the State Director, Farmers Home Administration, United States Department of Agriculture, the person who executed the foregoing instrument and acknowledged to me that he/she executed the same as his/her free act and deed of the United States of America, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Lakewood, Colorado the day and year aforesaid.

Mary K. Summerfield
(Notary Public)

Mary K. Summerfield

My commission expires: May 23, 1994

(SEAL)

Business Address:

655 Parfet Street, Room E100

Lakewood, Colorado 80215

ACCEPTANCE

The Secretary of the Interior, acting by and through his authorized representative, has executed this agreement on behalf of the United States this 17th day of July, 1991.

UNITED STATES OF AMERICA

By Wilbur N. Ladd

(Title) ACTING REGIONAL DIRECTOR

U.S. Fish and Wildlife Service
/s/ WILBUR N. LADD JR.

CONSERVATION PLAN

Client: Warner, Ted
Assisted By: Raymond Mowery

Warner, Ted

LAND UNITS		PLANNED			APPLIED		PLANNED CONSERVATION TREATMENT
TRACT	FIELD	AMOUNT	MONTH	YEAR	AMOUNT	DATE	
8608	1A, 1C, 1D	60.7ac					CROP *RESOURCE MANAGEMENT SYSTEM* Designed for optimal protection of soil, water, plant, animal and air resources. Refer to the CO-CPA-2 for before and after erosion rates. ***Conservation easement property with management decisions adjusted to meet USFWS recommendations.*** CONSERVATION CROP ROTATION An adapted sequence of crops will be grown to provide organic residue to improve soil tilth, reduce soil erosion, improve water use efficiency, and improve water quality. ALFALFA will be grown for 4 OR MORE YEARS out of a rotation period which will not exceed 6 YEARS. When not in alfalfa, crop sequence will include a minimum of 100% OTHER HIGH RESIDUE CROPS such as grain-corn, small grains, etc. (refer to the list of high and low residue crops, Form GFO-FSA-01). Crops will be grown in a flexible rotation and will be rotated to all fields specified. Fields idled for ACR or other set-aside programs will be protected by residues from the previous crop. Conservation tillage A tillage and planting system will be used that leaves a high level of plant residue on the soil surface after planting to reduce soil erosion, help maintain or develop good soil tilth, promote efficient moisture use, improve water quality, and promote food and cover for wildlife. Tillage tools such as chisels, field cultivators, sweeps, blades, or other implements are used. Weed control is accomplished with herbicides and/or cultivation. A minimum of 700 LBS/AC ALFALFA, 600 LBS/AC SMALL GRAIN, or 2000 LBS/AC GRAIN CORN OR SORGHUM RESIDUE will remain on the soil surface after planting the next crop. IRRIGATION WATER MANAGEMENT Irrigation water will be managed to effectively utilize the available water supply in managing soil moisture for plant use, by leaching salts below the root zone, increase productivity, conserve water, reduce deep percolation, decrease transport of nutrients and pesticides to
8608	1A HEL*	56.8ac	02	1994			
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8608	1A HEL	56.8ac	02	1994			

*Sorghum
oats* 7 ok

HEL Fields marked as HEL are highly erodible fields.

HEL* Reapplication of this conservation practice on this highly erodible field is required for compliance with the Food Security Act of 1985. See the Conservation Plan for details about first time application.

CONSERVATION PLAN

Client: Warner, Ted
Assisted By: Raymond Mowery

Warner, Ted

LAND UNITS			PLANNED			APPLIED		PLANNED CONSERVATION TREATMENT
TRACT	FIELD		AMOUNT	MONTH	YEAR	AMOUNT	DATE	
8608	1A	HEL	56.8ac	02	1994			groundwater, reduce soil erosion and minimize delivery of sediment to aquatic systems. The following system will be used to meet plant needs: The fields will be irrigated when 50 percent of the plant available water in the root zone has been depleted. Depletion can be determined by keeping a water balance from the predicted evapotranspiration or by using the hand estimate method to evaluate the soil profile moisture. NUTRIENT MANAGEMENT The amount, form, placement and timing of plant nutrient applications are managed for optimum forage and crop yields with consideration given to minimizing the entry of nutrients into surface and groundwater, and the maintenance or improvement of the chemical and biological condition of the soil. Nutrient application rates will be based on: soil test results using realistic crop yield goals; a nutrient management plan accounting for all nutrient sources; the appropriate method (within 10%). PEST MANAGEMENT Agricultural pest infestations (including weeds, insects, and diseases) are managed to reduce adverse effects on plant growth, crop production, and environmental resources. An Integrated Pest Management plan will be used to manage infestations by cultural, mechanical, biological, or chemical control methods. Chemical controls will provide: the least risk to water resources; the best suited for target pest control; application to label specifications (within 10%). WILDLIFE UPLAND HABITAT MANAGEMENT Areas will be retained, created, or managed to promote upland food and shelter for wildlife. The first alfalfa cutting will be at a 4-8" height to protect ground nesting birds. The last alfalfa cutting will be at a 4-8" height to provide winter wildlife cover, promote regrowth, and provide erosion protection. The area included in these fields located 10 feet on either side of the abandoned concrete lined irrigation ditch will be planted to
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TRACT	FIELD		AMOUNT	MONTH	YEAR	AMOUNT	DATE	
8608	1C	HEL*	2.3ac	02	1994			switchgrass, following the directions found in the attached CO-ECS-5 for the area described.
								CONSERVATION CROP ROTATION An adapted sequence of crops will be grown to provide organic residue to improve soil tilth, reduce soil erosion, improve water use efficiency, and improve water quality. ALFALFA will be grown for 4 OR MORE YEARS out of a rotation period which will not exceed 6 YEARS. When not in alfalfa, crop sequence will include a minimum of 100% OTHER HIGH RESIDUE CROPS such as grain corn, small grains, etc. (refer to the list of high and low residue crops, Form GFO-FSA-01). Crops will be grown in a flexible rotation and will be rotated to all fields specified. Fields idled for ACR or other set-aside programs will be protected by residues from the previous crop.
8608	1C	HEL*	2.3ac	02	1994			Conservation tillage A tillage and planting system will be used that leaves a high level of plant residue on the soil surface after planting to reduce soil erosion, help maintain or develop good soil tilth, promote efficient moisture use, improve water quality, and promote food and cover for wildlife. Tillage tools such as chisels, field cultivators, sweeps, blades, or other implements are used. Weed control is accomplished with herbicides and/or cultivation. A minimum of 700 LBS/AC ALFALFA, 600 LBS/AC SMALL GRAIN, or 2000 LBS/AC GRAIN CORN OR SORGHUM RESIDUE will remain on the soil surface after planting the next crop.
8608	1C	HEL	2.3ac	02	1994			IRRIGATION WATER MANAGEMENT Irrigation water will be managed to effectively utilize the available water supply in managing soil moisture for plant use, by leaching salts below the root zone, increase productivity, conserve water, reduce deep percolation, decrease transport of nutrients and pesticides to groundwater, reduce soil erosion and minimize delivery of sediment to aquatic systems. The following system will be used to meet plant needs: The fields will be irrigated when 50 percent of the plant

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TRACT	FIELD		AMOUNT	MONTH	YEAR	AMOUNT	DATE	
8608	1C	HEL	2.3ac	02	1994			available water in the root zone has been depleted. Depletion can be determined by keeping a water balance from the predicted evapotranspiration or by using the hand estimate method to evaluate the soil profile moisture. NUTRIENT MANAGEMENT The amount, form, placement and timing of plant nutrient applications are managed for optimum forage and crop yields with consideration given to minimizing the entry of nutrients into surface and groundwater, and the maintenance or improvement of the chemical and biological condition of the soil. Nutrient application rates will be based on: soil test results using realistic crop yield goals; a nutrient management plan accounting for all nutrient sources; the appropriate method (within 10%).
8608	1C	HEL	2.3ac	02	1994			PEST MANAGEMENT Agricultural pest infestations (including weeds, insects, and diseases) are managed to reduce adverse effects on plant growth, crop production, and environmental resources. An Integrated Pest Management plan will be used to manage infestations by cultural, mechanical, biological, or chemical control methods. Chemical controls will provide: the least risk to water resources; the best suited for target pest control; application to label specifications (within 10%).
8608	1C	HEL	2.3ac	02	1994			WILDLIFE UPLAND HABITAT MANAGEMENT Areas will be retained, created, or managed to promote upland food and shelter for wildlife. The first alfalfa cutting will be at a 4-8" height to protect ground nesting birds. The last alfalfa cutting will be at a 4-8" height to provide winter wildlife cover, promote regrowth, and provide erosion protection. The area included in these fields located 10 feet on either side of the abandoned concrete lined irrigation ditch will be planted to switchgrass, following the directions found in the attached CO-ECS-5 for the area described.
8608	1D	HEL*	1.6ac	02	1994			CONSERVATION CROP ROTATION

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TRACT	FIELD		AMOUNT	MONTH	YEAR	AMOUNT	DATE	
8608	1D	HEL*	1.6ac	02	1994			An adapted sequence of crops will be grown to provide organic residue to improve soil tilth, reduce soil erosion, improve water use efficiency, and improve water quality. ALFALFA will be grown for 4 OR MORE YEARS out of a rotation period which will not exceed 6 YEARS. When not in alfalfa, crop sequence will include a minimum of 100% OTHER HIGH RESIDUE CROPS such as grain corn, small grains, etc. (refer to the list of high and low residue crops, Form GFO-FSA-01). Crops will be grown in a flexible rotation and will be rotated to all fields specified. Fields idled for ACR or other set-aside programs will be protected by residues from the previous crop. Conservation tillage A tillage and planting system will be used that leaves a high level of plant residue on the soil surface after planting to reduce soil erosion, help maintain or develop good soil tilth, promote efficient moisture use, improve water quality, and promote food and cover for wildlife. Tillage tools such as chisels, field cultivators, sweeps, blades, or other implements are used. Weed control is accomplished with herbicides and/or cultivation. A minimum of 700 LBS/AC ALFALFA, 600 LBS/AC SMALL GRAIN, or 2000 LBS/AC GRAIN CORN OR SORGHUM RESIDUE will remain on the soil surface after planting the next crop. IRRIGATION WATER MANAGEMENT Irrigation water will be managed to effectively utilize the available water supply in managing soil moisture for plant use, by leaching salts below the root zone, increase productivity, conserve water, reduce deep percolation, decrease transport of nutrients and pesticides to groundwater, reduce soil erosion and minimize delivery of sediment to aquatic systems. The following system will be used to meet plant needs: The fields will be irrigated when 50 percent of the plant available water in the root zone has been depleted. Depletion can be determined by keeping a water balance from the predicted evapotranspiration or by using the hand estimate method to evaluate the soil profile moisture.
8608	1D	HEL	1.6ac	02	1994			

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TRACT	FIELD		AMOUNT	MONTH	YEAR	AMOUNT	DATE	
8608	1D	HEL	1.6ac	02	1994			NUTRIENT MANAGEMENT The amount, form, placement and timing of plant nutrient applications are managed for optimum forage and crop yields with consideration given to minimizing the entry of nutrients into surface and groundwater, and the maintenance or improvement of the chemical and biological condition of the soil. Nutrient application rates will be based on: soil test results using realistic crop yield goals; a nutrient management plan accounting for all nutrient sources; the appropriate method (within 10%). PEST MANAGEMENT Agricultural pest infestations (including weeds, insects, and diseases) are managed to reduce adverse effects on plant growth, crop production, and environmental resources. An Integrated Pest Management plan will be used to manage infestations by cultural, mechanical, biological, or chemical control methods. Chemical controls will provide: the least risk to water resources; the best suited for target pest control; application to label specifications (within 10%). WILDLIFE UPLAND HABITAT MANAGEMENT Areas will be retained, created, or managed to promote upland food and shelter for wildlife. The first alfalfa cutting will be at a 4-8" height to protect ground nesting birds. The last alfalfa cutting will be at a 4-8" height to provide winter wildlife cover, promote regrowth, and provide erosion protection. The area included in these fields located 10 feet on either side of the abandoned concrete lined irrigation ditch will be planted to switchgrass, following the directions found in the attached CO-ECS-5 for the area described.
8608	1D	HEL	1.6ac	02	1994			
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TRACT	FIELD		AMOUNT	MONTH	YEAR	AMOUNT	DATE	
8608	1A1		4.0ac					NATA *RESOURCE MANAGEMENT SYSTEM* Designed for optimal protection of soil, water, plant, animal, and air resources. Refer to the CO-CPA-2 for before and after erosion rates. This system applies to a natural area filter strip between the cropland and wetland. ***This unit is under a conservation easement and the management is adjusted to meet USFWS recommendations.***
8608	1A1	HEL	4.0ac	04	1994			FILTER STRIP A strip of permanent vegetation will be maintained to remove sediment, organic matter, and other pollutants from runoff and waste water. The strip will act as a filter to remove contaminants before they can enter a watercourse. The filter strip will be protected from vehicle or tillage traffic and herbicides. Limited grazing and/or haying may be used to manage the grass stand. Grazing or haying will leave a minimum 3" plant height.
8608	1A1	HEL	4.0ac	04	1994			PASTURE AND HAY PLANTING Adapted introduced grass species will be established to reduce erosion. Refer to CO-ECS-5 for specific information. Attached CO-ECS-5's are hereby made a part of this contract. A combination of native and introduced grasses will be interseeded to establish the permanent vegetative filter strip.
8608	2A		16.3ac					NPAS *RESOURCE MANAGEMENT SYSTEM* Designed for optimal protection of soil, water, plant, animal and air resources. Refer to the CO-CPA-2 for before and after erosion rates. ***This unit is under a conservation easement and the management is adjusted to meet USFWS recommendations.***
8608	2A		16.3ac	06	1996			COVER AND GREEN MANURE CROP A forage sorghum will be planted directly into standing wheat stubble or into a prepared seedbed for erosion control and improved water utilization without competition from volunteer grain during grass establishment. A herbicide application to control volunteer wheat and annual weeds may

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8608	2A	16.3ac	04	1997			be necessary prior to seeding. The cover crop will be sterile or will be harvested or swathed prior to viable seed being set. Stubble height should be 8-10. RANGE PLANTING Native grasses to be established to reduce and prevent erosion. Refer to the enclosed CO-ECS-5 for specific information. Attached CO-ECS-5's are hereby made a part of this contract.
8608	2A	16.3ac	04	1998			WILDLIFE UPLAND HABITAT MANAGEMENT Areas will be retained, created, or managed to promote upland food and shelter for wildlife. Cutting of hay or cover crops should be avoided during the nesting season. Adequate winter cover will be maintained. Predicted average soil erosion will meet the soil tolerance level. Tree and shrub plantings shall follow the recommendations of the NRCS and or the USFWS. Species planted will normally be selected from the list of adapted species found in the standard and specifications for Field Windbreak (392). Refer to the attached design sheet (#1) for suggested shrub and tree species and planting designs.
8608	1B	9.7ac					WILD *RESOURCE MANAGEMENT SYSTEM* Designed for optimal protection of soil, water, plant, animal, and air resources. Refer to the CO-CPA-2 for before and after erosion rates. ***These areas are being managed as upland wildlife habitat under the conservation easement.***
8608	1B	9.7ac	04	1994			RANGE PLANTING Native grasses to be established to reduce and prevent erosion. Refer to the enclosed CO-ECS-5 for specific information. Attached CO-ECS-5's are hereby made a part of this contract. The grasses are being planted to provide permanent upland habitat for wildlife.
8608	1B	9.7ac	05	1994			WILDLIFE UPLAND HABITAT MANAGEMENT Areas will be retained, created, or managed to promote upland

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							food and shelter for wildlife. Cutting of hay or cover crops should be avoided during the nesting season. Adequate winter cover will be maintained. Predicted average soil erosion will meet the soil tolerance level. Management and maintenance of these areas will be done in consultation with the US Fish and Wildlife Service representatives. Shrub and tree plantings will be designed and installed in consultation with USFWS representatives to enhance wildlife habitat values.
8608	3	45.3ac					WILD *RESOURCE MANAGEMENT SYSTEM* Designed for optimal protection of soil, water, plant, animal, and air resources. Refer to the CO-CPA-2 for before and after erosion rates. ***This area is managed as a conservation easement wetland to promote wildlife and wetland values.***
8608	3	45.3ac	02	1994			WILDLIFE WETLAND HABITAT MANAGEMENT Suitable areas will be retained, created, or managed as wetland habitat for wildlife. Areas will be protected from mowing, grazing, and burning during critical periods for wildlife. Water impoundments, potholes, shrub plantings, nesting platforms, cover plots, and food plots can be used to enhance habitat value. The management and maintenance of these areas will be done in consultation with US Fish and Wildlife Service representatives. Chemicals will not be used on this site, unless they are approved by the US Fish and Wildlife Service representative.

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Natural Resources Conservation Service

01/30/96

RECORD OF DECISIONS AND APPLICATION

For: Warner, Ted

Assisted By: Ray Mowery

Tract No(s). Covered: T 8608

Certification of compliance with the Food Security Act, 1985 and Conservation Easement

I (We) concur in the conservation practices and installation schedules indicated in this conservation plan for all fields labeled HEL* or labeled *.

I (We) understand that, when the conservation plan for HEL* fields and the * fields is applied to the land on a continuing basis, the conservation system will meet all Food Security Act and conservation easement requirements.

I (We) understand that if any fields other than those HEL* fields specified in the plan will be used for the production of agricultural commodities, I (we) will contact the ASCS and SCS for an HEL determination. I (We) concur in the conservation practices and installation schedules indicated in this conservation plan for all fields labeled HEL. I (We) understand that, when this conservation system for HEL fields is applied to the land and maintained on a continuing basis, the conservation system will meet all of the conservation compliance requirements of the Food Security Act of 1985, as amended by the Food, Agriculture, Conservation and Trade Act of 1990. Furthermore, I (we) understand that if any non-cropland fields will be used for the production of agricultural commodities, I (we) will contact ASCS and SCS for an HEL determination.

COOPERATOR (Producer):

RT Warner

DATE:

2-3-96

The above Conservation Plan meets the requirements of the Conservation Easement.
US FISH AND WILDLIFE SERVICE:

Ray Paul

2/9/96

The above Conservation Plan meets the requirements of the Field Office Technical Guide.
DISTRICT CONSERVATIONIST:

Charles R. Ryzel

3/11/96

WEST GREELEY SOIL CONSERVATION DISTRICT

Richard Foote

3-11-96

8609

8608

(2A) 16.3 ac

HEL

(3) 45.3 ac.

(B) 9.7 ac

HEL

(1A) 56.8 ac.

HEL

(1A-1) 4.0 ac

2.3 ac

(1C)

(1D)

5044
HEL

16

12.3