

Wetland
Easement

UNITED STATES DEPARTMENT OF THE INTERIOR

U. S. FISH AND WILDLIFE SERVICE

116X

CONVEYANCE OF EASEMENT FOR WATERFOWL MANAGEMENT RIGHTS

THIS INDENTURE, by and between Albert Oster and Hulda V. Oster, his wife, of Eureka, South Dakota

parties of the first part, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative, party of the second part.

WITNESSETH:

WHEREAS, section 4 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by section 3 of the Act of August 1, 1958 (72 Stat. 486, 16 U.S.C., sec. 718d (c)), authorizes the Secretary of the Interior to acquire small wetland or pothole areas suitable for use as waterfowl production areas:

WHEREAS, the lands described below contain or include small wetland or pothole areas suitable for use as waterfowl production areas:

NOW, THEREFORE, for and in consideration of the sum of ~~(\$2,500.00-----)~~ Dollars, the parties of the first part do hereby convey to the United States, commencing with the acceptance of this indenture by the Secretary of the Interior or his authorized representative which acceptance must be made within six months of the execution of this indenture by the parties of the first part, or any subsequent date as may be mutually agreed upon during the term of this option, a permanent easement (in perpetuity) or right of use for the maintenance of the land described below as a waterfowl production area, including the right of access thereto by authorized representatives of the United States.

The lands covered by this conveyance are those wetland areas, including lakes, ponds, marshes, sloughs, swales, swamps, potholes, and other wholly or partially water-covered areas, now existing or subject to recurrence through natural or man-made causes, delineated on the map(s) attached hereto as Exhibit A and incorporated herein by this reference; provided, always, that the lands covered by this conveyance shall include any enlargements of said wetland areas resulting from normal or abnormal increased water. Said lands are located within, and the aforementioned right of access extends over all lands within the following described legal subdivision(s) in Campbell County, State of South Dakota, to wit:

T. 127 N., R. 74 W., 5th P.M.
section 22, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

Subject, however, to all 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 parties of the first part, for themselves, their heirs, successors and assigns, covenant and agree that they will cooperate in the maintenance of the aforesaid lands as a waterfowl production area by not draining, causing or permitting the draining by construction of ditches, or by any means, direct or indirect, whether through the transfer of appurtenant water rights or otherwise, of any surface waters in or appurtenant to these wetland areas delineated on Exhibit A; by not filling in with earth or any other material or leveling any part or portion of said delineated wetland areas; and by not burning any marsh vegetation on any part or portion of said delineated wetland areas. It is understood and agreed that this indenture imposes no other obligations or restrictions upon the parties of the first part and that neither they nor their successors, assigns, lessees, or any other person or party claiming under them shall in any way be restricted from carrying on farming practices such as grazing at any time, hay cutting, plowing, working and cropping wetlands when the same are dry of natural causes, and that they may utilize all of the

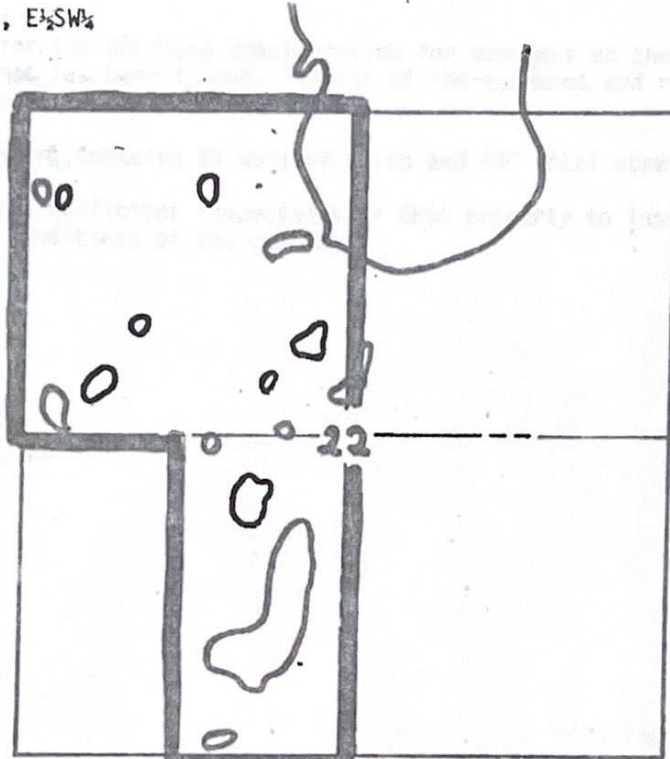
UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
EXHIBIT "A"

Map 1 of 1

TRACT (116X)

WATERFOWL PRODUCTION AREA Cambell COUNTY, STATE OF South Dakota
EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.
T. 127 N., R. 74 W., 5th PRINCIPAL MERIDIAN

Section 22: NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$



Scale: 4 inches = 1 Mile

This map delineates wetlands referred to in the easement conveyance dated 1-31-79 which the parties of the first part agree to maintain as a waterfowl production area. The lands covered by this conveyance include any enlargement of the delineated wetland areas resulting from normal or abnormal increased water.

LEGEND



Boundary of Easement Description



Wetlands covered by provisions of the easement



Nonfunctional drainage facilities which the landowner agrees NOT to repair or clean out

Albert Oster
Landowner Signature

Prepared by: Melvin Ingeroi

Date: 1-31-79

memorandum

DATE: OCT 4 - 1979

REPLY TO
ATTN OF: Realty Officer, Pierre, South Dakota

SUBJECT: Title Vesting - Easement

LA-South Dakota W.A.
Campbell
Oster, Albert (116X)

TO: Refuge Manager - Sand Lake NWR
Columbia, South Dakota

A check for the purchase consideration for easement on the above designated tract has been issued. Copies of the easement and related papers are attached for your files.

This easement contains 29 wetland acres and 240 total acres.

Please make sufficient inspections of this property to insure compliance with the conditions of the easement.

Attachments
cc: Abdn. WO

Sand Lake NWR
RECEIVED
OCT 5 1979
Columbia, SD 57433



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OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112



Township: 127 Range 74 W.
S.A. South Dakota, W.A.
Campbell Co. Tract 116X
Photo # CBK-3T-167 Dated: 10-1-57

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