

RIM Reserve application materials to submit for CWF buffers and wellhead protection easements (10-13-2011)

A complete application package will include the following items:

1. *Conservation Easement Application*

- Include landowner Social Security Number
- Landowner Questionnaire (part 2 of app. form)
- SWCD must sign application

2. *Area Assessment form*

- this is where you will indicate the public water resource or wellhead protection area we are seeking to protect with the easement

3. *Land Use and Soils form*

- complete JUST the crop history portion of the form

4. Copy of air photo with easement area clearly outlined.

- Also submit GIS shape files electronically (kristie.mack@state.mn.us) in addition to the paper copy (need .shp, .shx and .dbf files)

5. *Conservation Easement Financial Worksheet* - easement payments

6. *Conservation Easement Practice Payment worksheet (CEPPW)* – practice payments

7. *Agreement Information Form*

8. *W-9 Request for Taxpayer ID Number and Certification (federal IRS form)*

- New federal and state requirement
- Write RIM easement ID # on top of form, if known

9. Landowner's deed(s) to the property

Other items that *may* need to be submitted:

Government lot maps, Plat or subdivision maps, Death certificate, Power of attorney, Trust/Partnership or corporation documents

Complete application packages are to be sent to BWSR St. Paul, RIM Staff:

MN Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

All forms can be found on the BWSR website:

<http://www.bwsr.state.mn.us/easements/handbook/index.html>

Land Use and Soils form

Fill out ONLY the crop history portion of the form for the past 5 years

Agreement Information Form

For complete instructions see RIM Easement handbook available at BWSR website – <http://www.bwsr.state.mn.us/easements/handbook/conservationeasementagreement.pdf>

The BWSR will develop the agreement documents from the information provided on the Agreement Information Form. It is very important that the information provided be accurate, up-to-date and well researched.

Grantor Information:

- Type or legibly print the exact names of all grantors as shown on the property deed in the spaces provided under Grantor Name(s). In real estate transactions the name(s) must be listed exactly as shown on the deed; this includes any middle initial or middle name. If a grantor's name is now different from the spelling on the deed, list the grantor's current or correct name followed by either AKA (also known as) or FKA (formerly known as) and then the grantor's name as shown on the deed.
- Indicate the marital status of all grantors listed on the deed in the spaces provided. Always consult directly with the landowner(s) to obtain marital status information since the information on the deed may not be current. If currently married, the spouse's name must be listed on the information form even if the spouse is not listed on the deed. Spouses are required by law to sign any real estate document.
- Please indicate, as directed on the form, if any of the grantors listed on the deed are now deceased.
- If the proposed easement area has been purchased by landowner(s) who own the property via a contract for deed, list, under *Grantor Name(s)*, both the buyers and sellers of the property (along with their spouses) as identified in the contract for deed. Please list the buyer (landowner applicant) first.
- In the case of someone signing on behalf of one of the grantors, list, under *Individuals Signing on Behalf of Grantors*, the name of the individual who will be signing on the grantor's behalf. Indicate what type of authority the person has to sign (e.g., trustee) and include a copy of the legal document giving them that authority.
- **Corporation/Partnership** - If the grantor is an eligible corporation or partnership, enter the corporation or partnership name under *Grantor Name(s)* (e.g. AgriEnterprises, Inc.). Marital status and spouses' signatures are not needed for

partnerships or corporations. List the name and title of the individual(s) authorized to sign for the corporation or partnership in the spaces provided under *Individuals Authorized to Sign for Corporation or Partnership*.

Payment information (page 2 of Agreement Information Form)

1. Easement Payment Information

- easement payments will all be one time payments, no annual installment payments
- The primary payee must be one of the grantors. Include their mailing address and social security number.
- If the grantor is a trust, identify the name and mailing address of the trustee. In the case of family, living, or revocable trusts, a social security number is acceptable. In the case of an irrevocable trust, federal and state tax ID #s are required. For more information on how to obtain a state tax ID #, contact the central office RIM staff.
- If the grantor is a partnership or corporation, list the name and mailing address of the partnership or corporation as the payee. List the federal tax identification number for simple partnerships. List both the state and federal tax identification number for other partnerships and for corporations.
- If a spouse, other grantors, banks, etc., desire to be included as a payee on the check along with the primary payee, please indicate their name(s) under Co-Payee(s). Do not list an address for the co-payee(s). **Only one check will be issued per payment.**

2. Conservation Practice Payment Information

Specify the recipient of the cost-share reimbursement check(s) along with his/her mailing address. Enter "same" if information is identical to that for the easement payment. List the social security number or state and/or federal tax identification number using the same guidelines as above. Note that the recipient of the cost-share reimbursement check is not required to be a grantor of the easement. A relative, caretaker, renter or other person as designated by the grantor(s) could be listed. If the recipient is not a grantor, explain the person's relationship to the grantors.

Conservation Easement Financial Worksheet – for easement payments

Payment rates have been provided to all SWCDs. *Use these rates to fill in the RIM Reserve portion of the form for both crop and non-crop lands.*

Cropland is defined as planted to an annual crop 2 of the last 5 years, or in CRP, or if hay or pasture interseeded or cropped at least twice in the last 10 years prior to application.

Conservation Easement Practice Payment Worksheet (CEPPW) – practice payments

- Conservation Practice Calculations need to be completed for all applications. This form is used to estimate conservation practice payments for required practices. RR2 - \$300/acre.
- Make sure to enter Easement ID# at the top right of this form.

Deed(s) for property to be enrolled (ownership)

For complete instructions see RIM Easement handbook available at BWSR website – <http://www.bwsr.state.mn.us/easements/handbook/conservationeasementagreement.pdf>

The deed is the legal document used to transfer ownership or property rights of a person or entity to another person or entity. This information includes the name(s) of the person(s) or legal entity that purchased the property along with the legal description of the property acquired. The legal description on the deed(s) must encompass all of the lands within the proposed easement area, so that the landowner(s) can show ownership for all of the easement area. This is very important! Please review the deed's legal description to verify ownership prior to submitting the agreement package to BWSR. There are several different types of deeds. One of the types of deeds listed below will probably exist for the property and a copy of it must be submitted as part of the RIM application package.

- Warranty deed – this is the most common type of deed used in real estate transactions. With this deed the grantor warrants that he or she has good title to the property being transferred.
- Quit Claim deed – this deed is used when the grantor does not warrant that he or she has good title to the property being transferred. It only conveys the interest that the owner has in the property.
- Contract for deed
- Trustee deed
- Probate or personal representatives deed

Other Ownership/Legal Documents

Occasionally, the ownership information from the deed or current information as provided by a landowner will indicate that a grantor identified on the deed is deceased, is divorced or divorcing, has designated another party to sign on their behalf, or the land has been transferred to a trust. In these non-typical situations, the SWCD may need to obtain additional information or documents from the landowner(s) and submit them as part of the application/agreement package. Please contact the BWSR easement staff for guidance on what information or documents are needed for a particular non-typical situation.

Additional items

Depending on the application, there may be additional items that should be submitted with your application. They may include:

- Government Lot Maps – required if deed to property has legal description that refers to government lots
- Plat or subdivision – required if deed legal refers to either
- Death certificates – when landowner listed on deed has deceased
- Partnership or corporation documents – often needed to determine who is authorized to sign agreement and easement documents on behalf of corporation or partnership