

USDA



Nebraska Farm Service Agency

Producer News

January 2006

SED Comments

Nebraska Farm Service Agency exists to serve and support Nebraska's farmers and ranchers.

Our field and state office staffs and state and county committees have worked very hard this past year to bring new and existing programs to Nebraskans.



Brian Wolford
State Executive Director

I want to bring your attention to a couple of programs that affected many producers this past year.

The Platte Republican Conservation Reserve Enhancement Program (CREP) was launched in April and already has over 53,000 acres in applications out of the potential 100,000-acre commitment. This was the first CREP in the nation to make water conservation its primary goal and to utilize irrigated rental rates to provide landowners with a viable alternative to normal cropping and irrigation practices.

This program reflects a commitment from USDA to Nebraska of \$122 million, and we are proud to be partners with the state of Nebraska and many other organizations to provide an innovative option to Platte and Republican River Valley landowners for the purpose of conserving water resources.

Assisting Nebraska's beginning farmers is a key element of FSA farm loan programs. Nebraska FSA has one of the largest lending programs in the country and this year we were able to obtain additional funding for our beginning farmer program.

In fact, we saw a 26 percent increase in loans to beginning farmers during fiscal year 2005. The increase was primarily in the area of direct farm ownership loans.

Price support and disaster programs were also active in 2005. FSA disbursed \$103 million under the Crop Disaster Program and \$10 million for the Livestock Assistance Program.

Low prices meant loan deficiency payments and counter-cyclical payments were on the rise as the Farm Bill provided its intended safety net for producers.

Fiscal year 2006 has already been very busy for FSA. Over \$362 million in direct and counter-cyclical payments were disbursed in October and November and over \$300 million in LDPs have been paid. In addition to providing financial assistance, our agency hopes to make improvements to our technology with the intention of enhancing service to producers.

Nebraska's 93 counties will be involved with an acreage certification pilot program that will lead to increased convenience for producers in the annual acreage certification process with FSA and potentially with your local crop insurance agent. We are training staff in conservation planning for Conservation Reserve Programs.

FSA is also working on improving the payment notification process and enhancing our computer servers to increase processing speeds in your local office to enable us to serve you more quickly.

Happy New Year from the Nebraska FSA Staff! We look forward to serving you in the upcoming year!

FSA's Plan To Partner with Lenders through Direct and Guaranteed Loans

Any farmer or rancher who might need a Farm Service Agency guaranteed loan or a direct loan must apply as early as possible because some FSA loan programs might not have adequate funds for the entire year. To inquire for a loan, contact the staff at local FSA county office where you plan to farm or ranch.

Nebraska lenders can submit guaranteed loan requests to help existing or beginning farmer or rancher customers.

The FSA guaranteed loan program allows lenders to extend terms longer than normal, which may allow for a positive cash flow. Guaranteed farm ownership loans are available to purchase or refinance debts for terms of 20 to 40 years, and operating loans are available to purchase or refinance chattels for terms up to seven years. Five-year line-of-credit guaranteed loans are available for annual operating expenses.

On term operating loans and line-of-credit loans, interest assistance is available to reduce the interest by 4 percent for customers who are unable to repay at the regular interest rate. Also, balloon payments can be scheduled on operating loans if a longer amortization is needed and there is real security or stock cows available for security.

Nebraska FSA encourages the lenders and the farmers / ranchers to analyze their income and expenses for the past year and review their cash flows to determine their needs for the 2006 operating year.

Beginning Farmer/ Rancher Loans

Beginning farmers or ranchers can get a "regular" farm ownership loan by using funds set aside especially for them by the Farm Service Agency. These loans finance up to 100 percent of the land's purchase price (up to the \$200,000 loan limit), and the term of the loan can be up to 40 years.

The interest rate can be either the regular rate of 5.125 percent or the limited resource rate of 5.00 percent (both rates as of Dec. 1, 2005).

Direct Operating Loans

Purpose. Obtain up to \$200,000 to finance your farm business. This includes annual operating and family living expenses, machinery or breeding livestock purchases, refinance debts other than Farm Service Agency (incurred for authorized operating purposes) and real estate improvements or repairs.

Rates. The interest rate that is in effect at the time of loan approval or loan closing, which ever is lower. Rates are posted on a monthly basis. Refer to FSA staff for information.

Terms. The term of the loan cannot exceed seven years from the date the loan is closed.

Guaranteed Loans

Purpose. Obtain up to \$852,000 in guaranteed farm ownership and/or farm operating loans. Funds can be used to purchase or enlarge a farm, refinance debt or for most operating uses.

Under this program, your local lender makes the loan and the Farm Service Agency provides a guarantee of up to 95 percent (depends on the circumstances) of the loan. This allows your local lender to continue to help you even if you are experiencing a decline in your financial condition.

Rates. The interest rate is negotiated with the lender but should not exceed the rate charged to the lender's average customers. You could qualify for interest assistance (4 percent rate reduction) if your cash flow shows the need. If you qualify for the 4 percent reduction, it will be reviewed yearly until your cash flow shows sufficient improvement to pay the full rate.

Terms. Loans for real estate can be amortized for up to 40 years and for chattel up to seven years.

Attention -- Socially Disadvantaged Applicants

The Farm Service Agency has a number of loan programs available to assist applicants to begin or continue in agriculture production. Loans are available for operating loans and/or to purchase or improve farms or ranches.

While all qualified producers are eligible to apply for these loan programs, FSA has provided priority funding for socially disadvantaged applicants. A socially disadvantaged

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applicant is one of a group whose members have been subjected to racial, ethnic or gender prejudice because of his or her identify as members of the group without regard to his or her individual qualities. For purposes of this program, socially disadvantaged groups are women, African Americans, American Indians, Alaskan Natives, Hispanics, Asian Americans and Pacific Islanders.

If producers or their spouses believe they would qualify as socially disadvantaged applicants, they should contact their local FSA staff for details. FSA loans are only available to applicants who meet all the eligibility requirements and are unable to obtain the needed credit elsewhere.

Existing FSA Borrower

We encourage each of you to complete your 2005 farm records along with your 2006 farm plans and make an appointment with your local loan officer as soon as possible. If you think you might have trouble making payments, there may be programs to assist in rescheduling or reamortizing your payment schedules.

Wool, Mohair Loans

The final loan availability date to request a marketing assistance loan or loan deficiency payments for wool, mohair and unshorn pelts is Jan. 31 of the year following the year in which the commodity was sheared or the unshorn lamb was slaughtered.

In simple language, that means you have until January 31, 2006, to request loans or LDPs for 2005 crop wool and mohair that has not been marketed and remain in storage.

Eligibility. To be eligible for a loan or LDP, a producer must:

- Meet the definition of an eligible producer.
- Comply with conservation provisions for highly erodible land and wetlands.
- Produce and shear eligible wool and mohair or produce an unshorn pelt from a slaughtered lamb for unshorn pelts.
- Have beneficial interest in the commodity.
- Own the sheep and goats that produce the wool and mohair for a period of not less than 30 calendar days before shearing, or in the case of unshorn lambs, 30 days prior to slaughter of the lamb.
- For unshorn pelts only, sell the unshorn lamb for immediate slaughter or slaughter the unshorn lamb for personal use.

To be eligible for a nonrecourse loan or LDP, the wool and mohair must:

- Have been produced and sheared by the eligible producer.
- Be in existence and in storable condition.
- Be of merchantable quality suitable for loan.
- Be produced and shorn from live animals of domestic origin in the United States.

To be eligible for an unshorn pelt LDP, the unshorn pelt must:

- Have been produced by an eligible producer.
- Be produced from a live unshorn lamb of domestic origin in the United States at the time beneficial interest was lost.
- Be sold for immediate slaughter or slaughter the lamb for personal use.

Maintaining Beneficial Interest

Marketing assistance loans and loan deficiency payments can mean the difference between a good year and a not-so-good year. With that in mind, it's important to comply with the rules, especially the rule regarding

beneficial interest.

To be eligible for loans and LDPs, you must have beneficial interest in the commodity on the date the loan or LDP is requested and, in the case of a loan, you must retain beneficial interest while the loan is outstanding.

Beneficial interest means retaining control and the ability to make all daily decisions about storing the commodity, responsibility for loss or damage to the commodity and retaining an insurable interest and title to the commodity.

Once beneficial interest in a commodity is lost, the commodity is ineligible for loan or LDP – even if you regain beneficial interest. Producers who deliver grain from the field directly to a feedlot, feed mill, dairy or wool pool must complete a CCC-709 or CCC-633EZ, page 1, before delivery to be eligible for a LDP.

You do not have to participate in the Direct and Counter-cyclical Payment Program to be eligible for loans or LDPs.

Violating provisions of the loan and LDP program might trigger administrative actions, such as assessing liquidated damages, calling the loan and denial of future farm-stored loans and LDPs.

Final Loan Availability Date

Producers, remember you may obtain loans or receive loan deficiency payments on all or part of your eligible production anytime during the loan availability period if you maintain beneficial interest.

The loan availability period runs from when the commodity is normally harvested (or sheared for wool and mohair) until specified dates in the following calendar year.

For small grains, the final loan-LDP availability date is March 31, 2006, and for feed grains, it is May 31, 2006.

Removing CCC Loan Collateral

If you have grain under Commodity Credit Corporation loan, don't forget it cannot be removed without prior written authorization or repayment. Unauthorized disposition or removal, which may include movement from one bin to another, is considered a loan violation and is subject to monetary and administrative penalties.

Your loans are subject to spot check. Determined shortages must be repaid with loan principal plus interest, and additional planning to remove CCC loan grain must contact the county office staff by telephone to obtain a prior release or get additional information.

March 15, NAP Closing Date

The Non-Insured Crop Disaster Assistance Program, or NAP, provides financial help to producers of noninsurable crops when a low yield, loss of inventory or prevented planting occurs because of natural disasters. NAP also provides coverage for crops when the catastrophic level of multi-peril insurance is not offered.

Producers must apply for coverage using Form CCC-471, Application for Coverage, and pay the service fee at the county office. The application and service fee must be filed by March 15, the application closing date for most spring-seeded crops. The service fee is \$100 per crop per county or \$300 per producer per county. The fee cannot exceed a total of \$900 per producer with farming interest in multiple counties. Limited resource producers may request a waiver of service fees.

To qualify a producer must be landowner, tenant or sharecropper who shares in the risk of producing an eligible crop. In addition, the producer's annual gross revenue cannot exceed \$2 million. A payment limitation of \$100,000 per crop year is in effect.

If you received disaster payments for crop year 2003 or 2004 NAP crops, you might be required to purchase NAP coverage for the next two crop years. Check with your Farm Service Agency county office staff.

Conservation Compliance

All producers must have an approved conservation plan in place before planting an agricultural commodity on highly erodible land, or they must be applying a conservation system on the highly erodible land that is planted to an agricultural commodity. Producers with approved conservation plans must be actively applying the conservation systems contained in the plan.

Producers farming highly erodible land without an approved plan or conservation system to control erosion might be considered ineligible for USDA program benefits. These producers must work with Natural Resources Conservation Service to develop an approved conservation plan and fully apply

the required conservation system to the highly erodible land before they can be determined eligible for USDA program benefits.

Sodbuster Rules

Highly erodible land may be brought into crop production only under provisions set forth and implemented in a Conservation Plan of Operation developed for the specified acreage.

Before producers clear, plow or otherwise prepare areas not presently under crop production for planting, they are required to file an AD-1026 indicating the area to be brought into production.

If Natural Resources Conservation Service (NRCS) indicates on form CPA-026 that the area will be highly erodible land, the producer will be required to develop and implement a conservation plan on the affected acreage, before bringing land into production.

Producers must file an AD-1026 certifying compliance with above provisions prior to applying for program benefits.

Program benefits include, but are not limited to, price support, Direct and Counter-cyclical Payment Program, Conservation Reserve Program, Environmental Quality Incentive

1099's Will Soon Be Arriving

During the last week of January, producers who have received payment from the Farm Service Agency will receive a CCC-1099 in the mail from our Kansas City office. A CCC-1099 is a report to the Internal Revenue Service about FSA payments made to you in 2005. The CCC-1099 is a service to help you report taxable income. It is not intended to replace your responsibility to report income to the IRS.

If you receive a CCC-1099, we recommend that you check the amounts shown against your records to see that the amounts are correct. If you find the amounts are not correct, or if you have a question concerning the form, contact the county office staff. If you choose to visit the office, take the CCC-1099 with you so that the staff may more readily identify the questionable items. If there is an error, we will furnish you with a corrected form CCC-1099.

Program, USDA farm operating and real estate Loans and catastrophic and buy-up Multi-Peril Crop Insurance.

Producers must complete a new AD-1026 each time a change in the farming operation occurs, in either the land farmed or operating arrangement or structure.

Payment Calculations

The Direct and Counter-cyclical Payment Program provides payments to eligible producers on farms enrolled during the crop years 2002 through 2007. There are two types of payments under the program: direct payments and counter-cyclical payments. Both are calculated using the base acres and payment yields established for the farm.

For each covered commodity, the direct payment for each crop year equals 85 percent of the farm's base acreage times the direct payment rate.

Counter-cyclical payments for covered commodities are only issued when the effective price for the commodity is below the target price (established in the 2002 Farm Bill) for the commodity. The counter-cyclical payment rate is the amount by which the target price of a commodity exceeds its effective price. The effective price for a commodity equals the direct payment rate plus the national average market price received by producers during the marketing year or the national loan rate for the commodity, whichever is higher.

Planting Flexibility

Producers who participate in the Direct and Counter-cyclical Payment Program may plant cropland in excess of the total base acreage on the farm to any commodity. They are, however, subject to certain restrictions on planting wild rice, fruits and vegetables (WR/FAVs)

on base acres. (See the "Planting Restrictions" elsewhere in this issue.) Producers with a given covered commodity crop base do not have to plant that base in order to receive the direct payments or counter-cyclical payments (if earned).

Planting Restrictions

Participants in the Direct and Counter-cyclical Payment Program are subject to some restrictions on planting wild rice, fruits (including nuts) and vegetables (other than lentils, mung beans and dry peas) or WR/FAVs for short.

Planting perennial WR/FAVs on DCP base acres is a violation of the regulations (and will result in reduced payment acres), even if the WR/FAVs are destroyed without benefit before harvest.

In general, planting non-perennial WR/FAVs on DCP base acres is not a violation (and will not result in reduced payment acres) if the WR/FAVs are destroyed without benefit before harvest. The Farm Service Agency must verify the WR/FAV destruction through a farm visit paid for by the producer.

There are two exceptions applicable to Nebraska producers if WR/FAVs are planted on DCP base acres:

- The first exception is *farm history*, which applies to WR/FAVs planted on a farm with an established history of planting WR/FAVs.
- The second exception is *producer history*, which applies to a producer with an interest in planting a specific WR/FAV and an established history of planting that WR/FAV.

These two exceptions will prevent a contract violation; however, an acre-for-acre reduction will apply to the farm.

Information on WR/FAV restrictions is contained in the FSA fact sheet, "Direct and Counter-cyclical Payment Program: Wild Rice, Fruit, and Vegetable Provisions." This fact sheet is available at county offices and on FSA's Web site at www.fsa.usda.gov/pas/publications/facts/html/fav03.htm.

DCP & Farm Reconstitutions

A farm resulting from a reconstitution could be enrolled in the Direct and Counter-cyclical Payment Program if all signatures on CCC-509 are obtained by the later of June 1 or 30 calendar days following producer notification of the reconstitution.

Farms resulting from a reconstitution are not deemed to have a DCP contract, even if the parent farm had been enrolled during the prescribed annual sign-up period. A resulting farm that is not signed up during this period is not eligible for DCP benefits unless the farm is enrolled before Sept. 30, and a late-filed sign-up fee of \$100 is paid.

All producers, including owners and operators, sharing in the contract payments on the farm must sign the CCC-509 before the county committee can approve it for payments.

DCP Contract Signatures

All producers, including owners and operators, sharing in Direct and Counter-cyclical Payment Program contract payments on a farm must sign the CCC-509. If a succession in interest takes place, all successors and any other producers must sign a revised CCC-509 no later than Sept. 30 of the current fiscal year.

The final date for participants to provide all necessary signatures on CCC-509 is June 1 of the fiscal year to be eligible for payments for that fiscal year.

CCC-509s on which all required signatures are not obtained by the June 1 deadline are not considered timely filed. CCC-509s for which missing signatures are obtained after June 1, but before Sept. 30, will be considered late-filed. These late-filed CCC-509s will be eligible for payment but will be assessed a late-filed fee.

A late-filed signup fee of \$100 per farm will be assessed for any farm enrolled between June 2 and Sept. 30, of the fiscal year in which the direct and counter-cyclical payments are requested.

Supporting documentation, including AD-1026, CCC-502, CCC-526, and any other document necessary for the producer to be eligible for payment, must be received before payments are issued.

Payment Limitations, Eligibility

Producers are reminded that no program benefits will be provided until all the necessary payment limitation and payment eligibility determinations have been made. Producers will remain ineligible until all required forms for the specific farming operation are provided to the county office staff.

Any determinations already made for your farming operation because of previously filing a CCC-502 will remain in effect for the current and subsequent years, and you will not be required to file a new farm-operating plan unless a change occurs that could affect the determination.

Determinations are based on the facts as submitted by the producer. As a program participant, you are responsible for promptly notifying the county office staff of any change that would affect a "person," "actively engaged in farming," cash rent tenant, adjusted gross income or foreign

person determination. Any unrevealed circumstances could require the application of a more restrictive rule.

Spouses may be considered as separate "persons" for payment limitation purposes if they request to be separate by the April 1 status date, and they meet the requirements to be considered separate "persons."

The determinations may be initiated by the county committee or by the producer. If requested by the producer, the request may be filed anytime before the final date for submitting CCC-502s, Farm Operating Plan for Payment Eligibility Review.

Any entity earning program benefits must provide to the county committee the names, addresses and ID numbers of the entity's members. Also, the entity must inform its members of the requirements for designating "permitted entities."

Producers are further reminded that all CCC-501s, Member's Information, and CCC-502s, Farm Operating Plan for Payment Eligibility Review, are subject to spot check through the end-of-year review process. If selected for spot check, producers might be required to provide sufficient evidence of their actual contributions to the farming operation so the county committee can determine whether the farming operation is actually being performed as stated on the applicable CCC-501 or CCC-502 forms.

Producers who are determined as "not actively engaged in farming" will be ineligible for Direct and Counter-cyclical Payment Program payments, marketing loans gains, loan deficiency payments, Conservation Reserve Program annual rental payments and any other applicable payment or benefit. Payment limitation affects several programs administered by the Farm

Service Agency. The payment limitation amounts for DCP are \$40,000 for direct payments and \$65,000 for counter-cyclical payments; market gains and LDPs are \$75,000; CRP is \$50,000; EQIP is \$450,000 total (FY 2002 through FY 2007); and the Non-insured Crop Disaster Assistance Program is \$100,000.

Please contact the county office staff for additional information concerning the filing deadlines for each program. Producers must also comply with the \$2.5 million adjusted gross income requirement to remain eligible for certain program benefits. The Farm Security and Rural Investment Act of 2002 provides that an individual or entity shall not be eligible to receive certain payments and benefits as specified in the Act if the average of AGI of the individual or entity exceeds \$2.5 million. Each participant and each member of any entity participating in the program is required to submit information and documentation about AGI to be eligible for payments and benefits.

Producers should contact their local county FSA office staff for additional information on payment eligibility.

Methods of Dividing Base

A farm, as defined by the Farm Service Agency, is made up of tracts of land that have the same owner and operator. When a change occurs in the ownership or operation of a farm, a farm reconstitution might be necessary and the county FSA office staff must be promptly notified.

When farms are reconstituted and divided into two or more resulting farms, there are three methods for dividing a farm's DCP base acres:

- Estate
- Designation by Landowner
- Default (applicable to base acres for farm divisions only).

The default method of dividing base acreage is used when the higher priority methods of estate and designation by landowner are not applicable. Using this method of division, each resulting farm receives the base that is allocated to the tracts of land associated with each farm.

To be effective for the current fiscal year, a farm combination or division must be requested by Aug. 1 for farms subject to the Direct and Counter-cyclical Payment Program.

A request for a farm reconstitution after current fiscal year DCP payments have been made will be processed in the following fiscal year. However, the producer has the option of refunding the DCP payments to allow the reconstitution to be processed in the current FY.

Status Date

The status of an individual or entity on April 1 of the applicable program year is the basis for determining the number of "persons" for payment limitation purposes for that year. Actions taken by an individual or entity after that date to increase the number of "persons" will not be recognized for the current program. For example, if an individual holds more than 50 percent interest in a corporation, as of the status date, the individual and entity will be considered one "person" for the applicable year.

Farm Record Changes

Program participants are asked to inform the Farm Service Agency of all changes in their farming operations to insure that federal farm program benefits are distributed properly and legally. This includes formation or the dissolution of entities such as corporations, limited liability companies or different types of partnerships and joint ventures.

FSA also must be advised of ownership changes and changes in lease agreements and arrangements. This includes changes that occur between family members. Most federal farm programs require that payments be directed to the person or entity with the risk in the production for the farm operation. Failure to inform FSA properly of farm changes will usually result in a refund of the farm program payments plus interest.

Final 2004 CC Payments for Corn, Sorghum, Soybeans Processed in October 2005

The Nebraska Farm Service Agency offices issued or collected 2004 final counter-cyclical payments based upon the final market prices.

Corn and sorghum are due a final payment because the effective price is below the target price.

The effective price equals the direct payment rate plus the higher of the national average loan rate or the national average price received by producers. The final payment rate is the target price minus the effective price.

Item	Corn	Sorghum (dollars per bushel)	Soybeans
Target Price	2.63	2.57	5.80
National Average Loan Rate	1.95	1.95	5.00
National Average Farm Price	2.06	1.79	5.74
Higher of Loan Rate or Farm Price	2.06	1.95	5.74
Direct Payment Rate	0.28	0.35	0.44
Effective Price	2.34	2.30	6.18
Final CC Payment Rate (Target Price Minus Effective Price)	0.2900	0.2700	0.0000
First Partial Payment Rate	0.1400	0.0945	0.0910
Second Partial Payment Rate	0.1400	0.0945	0.0910
Final CC Payment Rate (Less 1st and 2nd Partial Payments)	0.0100	0.0810	- 0.1820

2005 Advance CC Payments Issued in October 2005

Farm Service Agency offices issued the 2005 advance counter-cyclical payments to all program participants who requested the advance during 2005 enrollment. The first and second (to be issued in February) advances are each 35 percent of the estimated final payment rate. No CC payments are projected for wheat, oats or soybeans. The 2005-estimated final CC payment rate and the advance payment rate are:

Crop	Rate	35% of Rate
Corn (bu)	0.4000	0.1400
Grain Sorghum (bu)	0.2700	0.0945
Barley (bu)	0.1500	0.0525

Dates To Remember

Dec. 26, 2005	Christmas Day observed. FSA offices closed.
Jan. 2, 2006	New Year's Day observed. FSA offices closed.
Jan. 16, 2006	Birthday of Martin Luther King, Jr. FSA offices closed.
Jan. 31, 2006	Final loan/LDP availability date for wool and mohair.
Feb. 20, 2006	Washington's Birthday. FSA offices closed.
Mar. 15, 2006	Final application date for Noninsured Crop Disaster Assistance program for spring seeded crops (vegetables, barley, oats, etc.).
Mar. 15, 2006	Crop insurance sales closing date (spring crop).
Mar. 31, 2006	Final loan/LDP availability date for small grains and honey.
Mar. 31, 2006	Final date for Graze Out LDP
May 29, 2006	Memorial Day. FSA offices closed.

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