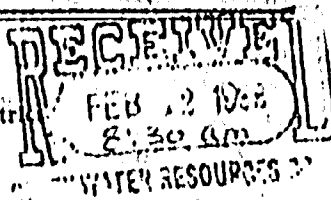


1661-3

1. Considered 3-26, 1969
2. Name of Applicant GURNEY'S
3. Post Office Address YANKTON
4. Amount of water claimed 7.85
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 200
7. Water to be diverted and used in YANKTON county
about 2N 1E miles of YANKTON
8. Proof of Publication Received ✓
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1461-3
 Water Division No. 3 JAMES RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

I. Name of applicant GURNEY SEED & NURSERY CO., INC.
 Postoffice address Yankton, County Yankton, State South Dakota

I. If a corporation

(a) Name of same GURNEY SEED & NURSERY CO., INC.

(b) Date and place of incorporation 7-25-68

(c) Amount of capital stock Preferred all issued \$350,000 Common all issued \$10,000

(d) Amount paid in \$385,000

(e) Names and addresses of directors

John R. Hesse, One Chase Manhattan Plaza, New York, New York 10005
12th Floor

Walter R. Brown, Register & Tribune Building, Des Moines, Iowa 50309

Marvin H. Teget, Gurney Building, Yankton, South Dakota 57078

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract

(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Gurney Irrigation Project #5

3. Amount of water claimed 2.85 MAXIMUM ALLOWABLE

4. Source of water supply Wells (2)

5. Location of point of diversion Shown on the plat as a well

_____ on _____ bank YANKTON County.

6. Annual period or periods during which water is to be used April to October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Overhead Irrigation

(a) Number of acres to be irrigated 200 acres.

(b) Legal subdivisions to be irrigated See attached addendum

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____
 Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP NO. 1193-3 & 1193-3A

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Sprinkler System already our own Total, \$.....
 about \$20,000.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....
 (b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;
 Material.....
 (d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....two.....years.
 11. Time required for complete application of water to the proposed beneficial use.....one.....years.
 12. Choice of newspaper for publication of notice of intention to appropriate.....Daily Press & Dakotan.....

STATE OF SOUTH DAKOTA
 County of Yankton

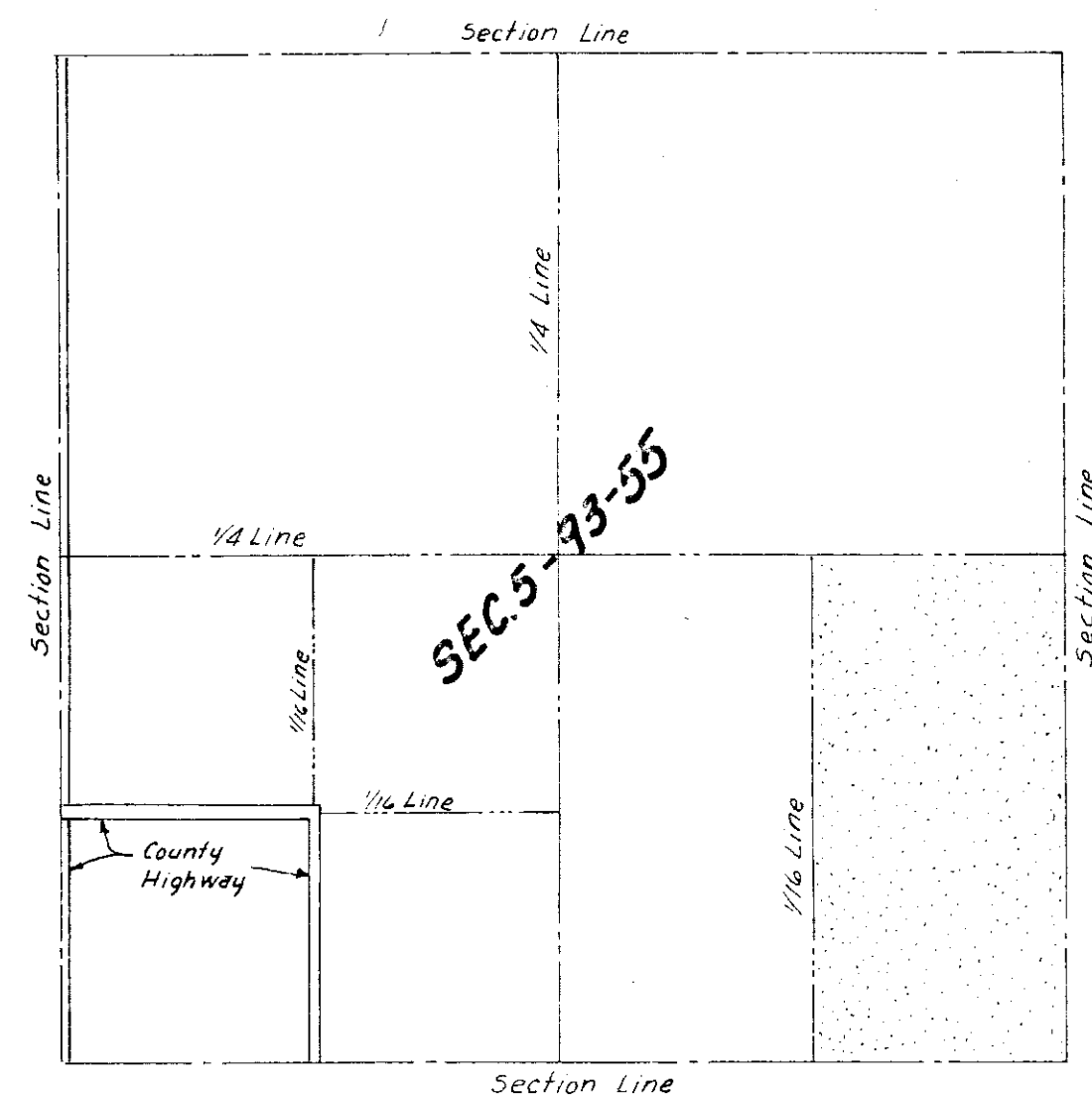
I, Donald L. Kruml, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Donald L. Kruml V. Pres

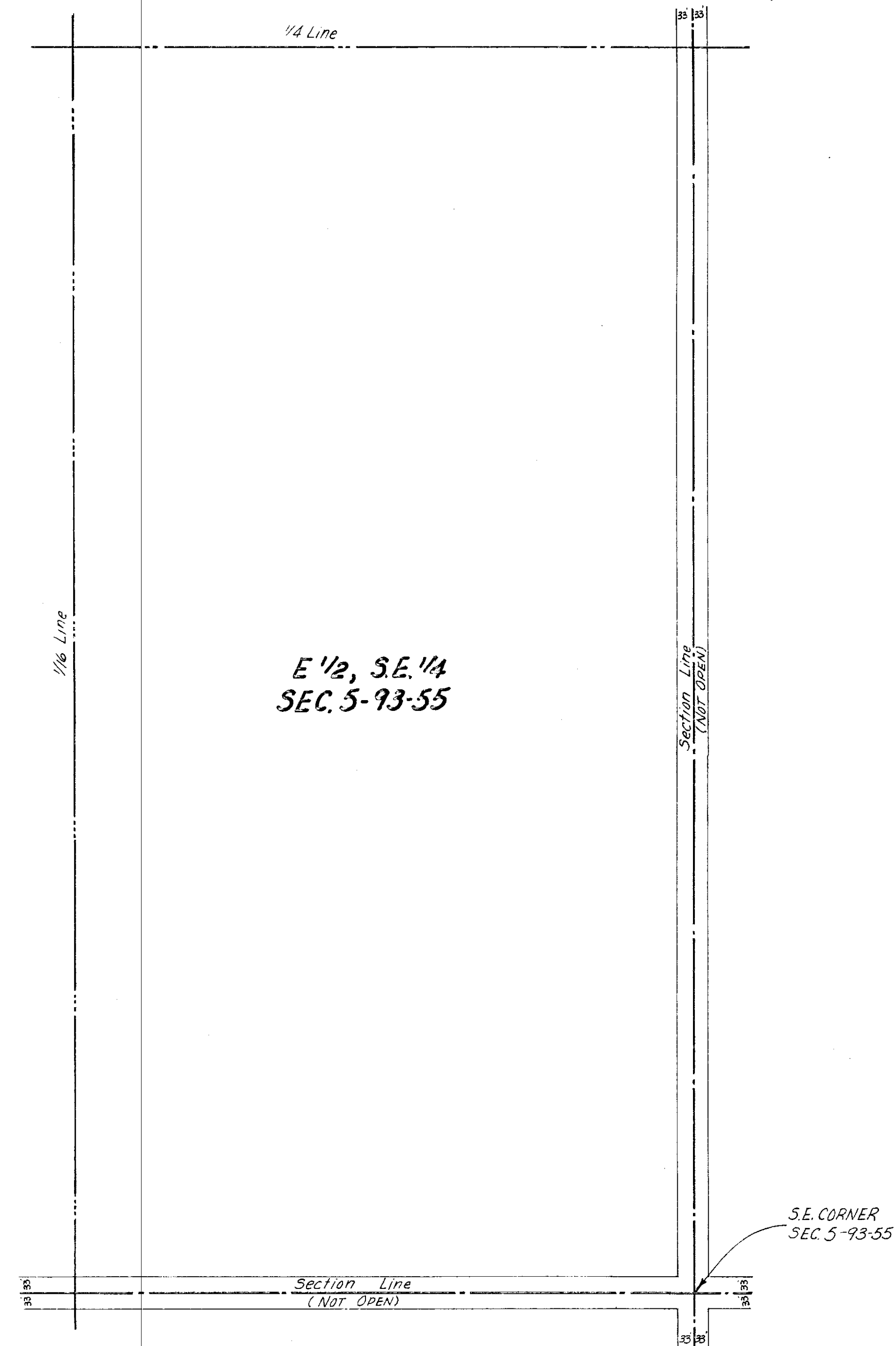
Subscribed and sworn to before me this 11 day of Feb 1969

Notary Public (or other qualified officer) R. L. Kruml, Esq.

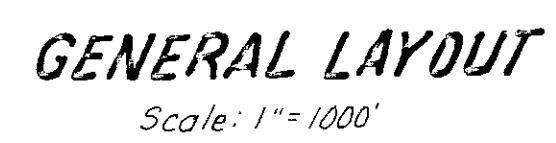
*Each diversion must have a headgate or measuring device.



GENERAL LAYOUT
Scale: 1"=1000'



PLAT
Scale: 1"=200'



Remarks by State Water Resources Commission:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 27, 1969

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

a.m. upon the 12TH day of FEBRUARY, 1969.

State Water Resources Commission

By:

Burton Z...
for Chief Engineer, Executive Officer

Number of permit 1661-3

Date of first receipt of application FEBRUARY 12, 1969

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right FEBRUARY 12, 1969

Approved MARCH 26, 1969, Recorded in Book 10 Page 337

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

MARCH 26, 1970

2nd. The whole of said work is to be completed on or before MARCH 26, 1971

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MARCH 26, 1972

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.85 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MARCH 26, 1972; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 27TH day of MARCH, 1969

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 26, 1969

Water License Issued SEPTEMBER 26, 1969

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 80'
Type of casing Steel
(wood, concrete, steel, etc.)
Size of casing 12", Thickness of casing 1 1/2"
Length of casing 70'. If collection gallery, length, size and depth of
gallery _____

(b) Screens

Type of perforated screen Stainless Steel
Size of perforated screen 12" 10'
(diameter) (length)
Thickness of gravel pack 9", length of gravel pack _____

(c) Water Bearing Materials

Distance to water 33' Character of water bearing materials Coarse
sand, Glacial drift

Thickness of water bearing material 40'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump Layne, size 6"
Kind of motor Electric
(gasoline, electric, diesel, etc.)
Horsepower 50, Name of Motor Electric

(e) Complete well

Capacity 700 at drawdown of _____ Estimated cost _____

(f) Owner of land upon which well is located GURNEY SEED & NURSERY CO., INC.
Name
Yankton, South Dakota 57078
Address

(g) Distance to nearest existing wells

On same owner's property 280 rods. On property owned by others 200 rods

February 11, 1969

Legal description of land to be irrigated
by Gurney's Irrigation project # 5.

Southeast Quarter of the Northwest Quarter and the West One-half of the Southwest Quarter of Section 4, East One-half of the Southeast Quarter of Section 5, and all that part of the Northwest Quarter of the Northwest Quarter of Section 9, lying North and West of old South Dakota highway No. 50 and East of the road running North and South through said Northwest Quarter of the Northwest Quarter of Section 9, said parcel being described as follows, beginning in the center of the County Road on the North line of Section 9, Township 93, Range 55, thence East on the Section line 12 chains and 15 links to the NE corner of the NW 1/4 of the NW 1/4 of said Section 9, thence South 1 chain and 30 links to the center of the Territorial Road from Yankton to the ferry on the James River, thence South 52 degrees West (approximately), along the center of said road to the center of the County Road, which is 7.85 chains East of the Section line, thence due North along the center of said road to the place of beginning, all in Township 93 North of Range 55 West of the 5th P.M., except land deeded to Yankton County, South Dakota, for road purposes, described as parcel R-9 in NW 1/4 of NW 1/4 of Section 9, and parcels R-5 and R-6 in W 1/2 of SW 1/4 of Section 4.

Form 15.

Permit No. 1661-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Gurney Seed and Nursery Company

_____ the holder _____ of
Permit No. 1661-3, issued upon Application No. 1661-3 bearing date of priority of February 12,
1969 authorizing the diversion of 2.85 cu. ft. per second of the waters of _____
Ground water County of Yankton, State of South Dakota at _____
a point 650 feet E. and 1300 feet N. and a point 1300 feet E. and 1320 feet N.
of the SW corner, Section 4, T93N, R55W
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.85 cu. ft. per second of water.

Date September 26, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRINES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1661-3

(1) WHEREAS, On the 12th day of February A. D. 19 69
Gurney Seed and Nursery Company

made Water Right Application No. 1661-3 for a permit to use 2.85 cubic feet per second of the waters
of ground water

City of Yankton, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 27th day of March A. D. 19 69

Permit No. 1661-3, with a date of priority of February 12, 1969

was issued to said applicant for the diversion of said water and provided for the completion of construction of the water
supply system therein described on or before the 26th day of March A. D. 19 71 and for the

application to beneficial use of said water on or before the 26th day of March A. D. 19 72

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 2.85 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

for irrigating the following described land in T93N, R55W

Section 4	W $\frac{1}{2}$ SW $\frac{1}{4}$	70 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
Section 5	E $\frac{1}{2}$ SE $\frac{1}{4}$	80 acres
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10 acres
Total		200 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Guiney Seed and Nursery Company

_____ of Yankton
the holder _____ and owner _____ of said permit No. 1661-3 a water right, dating from February 12, 1969
to use of 2.85 cubic feet per second of the waters
of ground water

in the County of Yankton and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 650 feet E. and 1300 feet N. and a point 1300 feet
E. and 1320 feet N. of the SW Corner, Section 4, T93N, R55W

and conduct to and upon portions of Sections 4, 5 and 8, T93N, R55W, described on the face of
this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1661-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of September A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

CERTIFICATE OF AMENDMENT
of
RESTATED CERTIFICATE OF INCORPORATION
of
JOHN PIERREPONT COMPANY, INC.

Pursuant to Section 242 of
the General Corporation Law of the State of Delaware

We, the undersigned, John R. Hesse and Charles N. Burger, President and Secretary, respectively, of JOHN PIERREPONT COMPANY, INC. (the "Corporation"), a corporation organized and existing under and by virtue of the provisions of the General Corporation Law of the State of Delaware, the Certificate of Incorporation of which was filed in the office of the Secretary of State of the State of Delaware on July 25, 1968, and recorded in the office of the Recorder of Deeds for Kent County, State of Delaware, on July 25, 1968, and a Restated Certificate of Incorporation of which was filed in the office of the Secretary of State of the State of Delaware on August 23, 1968, and recorded in the office of the Recorder of Deeds for Kent County, State of Delaware, on August 23, 1968, DO HEREBY CERTIFY:

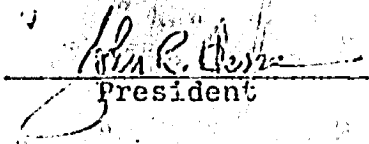
I. That the Restated Certificate of Incorporation of the Corporation is hereby amended by amending Article 1 thereof to read as follows:

Article 1. The name of the Corporation is GURNEY SEED & NURSERY COMPANY, INC.

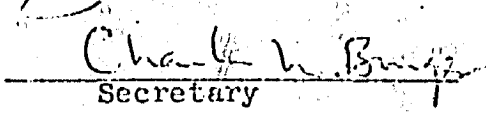
II. That the foregoing amendment of the Restated Certificate of Incorporation has been duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

III. That the capital of the Corporation will not be reduced under or by reason of the amendment herein certified.

IN WITNESS WHEREOF, we have hereunto subscribed our names and affixed the Seal of the Corporation this 26th day of August, 1968.



President



Secretary



STATE OF NEW YORK
COUNTY OF NEW YORK

} ss.:

BE IT REMEMBERED, that on the 26th day of August, 1968, personally came before me, ELISE M. MARTIN, a Notary Public in and for the County and State aforesaid, duly commissioned and sworn to take acknowledgements or proof of deeds, John R. Hesse, President of John Pierrepont Company, Inc., a Delaware corporation, the corporation described in the foregoing Certificate, known to me personally to be such, and he, the said John R. Hesse as such President, duly executed the foregoing Certificate before me, and acknowledged the said Certificate to be his act and deed and made on behalf of said corporation; that the signatures of the said President and of Charles M. Burger, Secretary of said corporation, to such Certificate are in the handwriting of the said President and Secretary of said corporation, respectively; that the seal affixed to said Certificate is the corporate seal of said corporation; and that the act of sealing, executing, acknowledging and delivering the said Certificate was duly authorized by the Board of Directors of said corporation, and that the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office the day and year aforesaid.

Elise M. Martin
Notary Public

ELISE M. MARTIN
Notary Public, State of New York
No. 31-7736616
Qualified in New York County
Commission Expires March 30, 1970

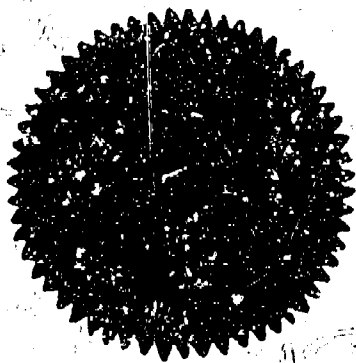
State of Delaware



Office of Secretary of State

I, Eugene Whiting, Secretary of State of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of Certificate of Amendment of the "JOHN PIERREPONT COMPANY, INC.", as received and filed in this office the twenty-ninth day of August, A.D. 1968, at 12 o'clock Noon.

In Testimony Whereof, I have hereunto set my hand and official seal at Dover this sixth day of February in the year of our Lord one thousand nine hundred and sixty-nine.



Eugene Whiting

R. A. Caldwell

Secretary of State

Asst. Secretary of State

CERTIFICATE OF INCORPORATION
OF
JOHN PIERREPONT COMPANY, INC.

1. The name of the Corporation is

JOHN PIERREPONT COMPANY, INC.

2. The address of the Corporation's registered office in the State of Delaware is 229 South State Street, City of Dover, County of Kent. The name of the Corporation's registered agent at such address is The Prentice-Hall Corporation System, Inc.

3. The nature of the business and the purposes to be conducted and promoted by the Corporation are to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

4. The total number of shares of capital stock which the Corporation shall have authority to issue is 10,000 shares each of no par value, designated as "Common Stock."

5. The name and mailing address of the Incorporator is as follows:

Name

Address

Charles N. Burger

One Chase Manhattan Plaza
Room 4800
New York, New York 10005

6. The following provisions are adopted for the management of the business and for the conduct of the affairs of the Corporation and for creating, defining, limiting and regulating the powers of the Corporation, the directors and the stockholders:

(a) Both stockholders and directors of the Corporation shall have power to hold their meetings within or without the State of Delaware; and the books and records of the Corporation may be kept within or without the State of Delaware at such place or places as may, from time to time, be designated by the Board of Directors.

(b) The number of directors of the Corporation shall be fixed by the By-Laws. Directors shall be elected initially by the Incorporator, and thereafter at the annual meeting of the stockholders. Each director shall hold office until his successor is elected and qualified or until his earlier resignation or removal. Vacancies and newly created directorships resulting from any increase in the authorized number of directors may be filled by a majority of the directors then in office, though less than a quorum, acting at a regular or special meeting, or by the stockholders acting at an annual or special meeting. The elections of directors need not be by ballot.

(c) The original By-Laws of the Corporation shall be adopted by the Incorporator. The Board of Directors shall have power to make, alter and repeal By-Laws, subject to such restrictions upon the exercise of such power as may be expressly imposed by the Incorporator or the stockholders in any By-Laws adopted by him or by them from time to time.

(d) The business of the Corporation shall be managed by its Board of Directors, and the Board of Directors may exercise all of the powers of the Corporation without any action or consent by the stockholders, except as may otherwise be provided by the statutes of the State of Delaware, by this Certificate of Incorporation, or by the By-Laws.

(e) The Board of Directors shall have the power, in its discretion, from time to time to fix and vary the amounts to be maintained as surplus and as working capital and to create and set apart reserves for any proper purposes and to abolish any such reserves; and to fix and determine, subject to limitations imposed by law, what portion of the consideration received upon any issue of stock shall constitute capital and what portion, if any, paid-in or capital surplus; to cause dividends to be paid from paid-in or capital surplus or from any surplus due to appreciation in value of any property of the Corporation; to determine whether and when dividends shall be declared and paid and in what manner and form; and to determine the use and disposition of any surplus or net profits of the Corporation.

(f) The Board of Directors shall have the power to subject the whole or any part of the real and personal properties of the Corporation, including after-acquired property, to liens, mortgages and encumbrances, without limit as to amount.

(g) Any director of the Corporation may vote upon any contract or other transaction between the Corporation and any subsidiary or affiliated corporation without regard to the fact that he is also a director or officer of such subsidiary or affiliated corporation.

(h) The directors may, acting in good faith and in their discretion, submit any contract, act or proposal for authorization, approval or ratification at any meeting of stockholders, and any such contract, act or proposal authorized, approved or ratified by a vote of the holders of a majority of the shares of capital stock of the Corporation represented in person or by proxy at such meeting and entitled to vote shall be as valid and as binding upon the Corporation and upon all stockholders as though it had been authorized, approved or ratified, as the case may be, by every stockholder of the Corporation.

I, the undersigned, being the Incorporator
hereinbefore named, for the purpose of forming a
corporation pursuant to the General Corporation Law of
the State of Delaware, do make this Certificate hereby
declaring and certifying that the facts herein stated are
true, and accordingly have hereunto set my hand this
23rd day of July, 1968.

Charles N. Burger

State of New York)
 : ss.:
County of New York)

Be it remembered that on this 23rd day of July,
1968, personally appeared before me, a Notary Public in
and for the county and state aforesaid, Charles N. Burger,
the party to the foregoing Certificate of Incorporation,
known to me personally to be such, and acknowledged the
said Certificate to be the act and deed of the signer, and
that the facts therein stated are truly set forth.

Given under my hand and seal of office the day
and year aforesaid.

Elise M. Martin
Notary Public

ELISE M. MARTIN
Notary Public, State of New York
No. 31-7732516
Qualified in New York County
Commission Expires May 5

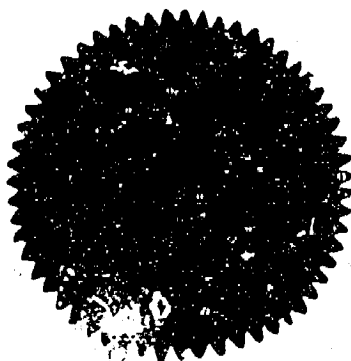
State of Delaware



Office of Secretary of State

I, Eugene Bunting, Secretary of State of the State of Delaware,
do hereby certify that the above and foregoing is a true and correct copy of
Certificate of Incorporation of the "JOHN PIERREPONT COMPANY, INC.",
as received and filed in this office the twenty-fifth day of July,
A.D. 1968, at 9 o'clock A.M.

In Testimony Whereof, I have hereunto set my hand
and official seal at Dover this sixth day
of February in the year of our Lord
one thousand nine hundred and sixty-nine.



Eugene Bunting

R. H. Caldwell

Secretary of State

Asst. Secretary of State

RESTATED CERTIFICATE OF INCORPORATION

of

JOHN PIERREPONT COMPANY, INC.

Pursuant to Sections 242 and 245 of the
General Corporation Law of the State of Delaware

We, the undersigned, Douglas W. Hawes and Charles N. Burger, Vice President and Secretary, respectively, of JOHN PIERREPONT COMPANY, INC. (the "Corporation"), a corporation organized and existing under and by virtue of the provisions of the General Corporation Law of the State of Delaware, the Certificate of Incorporation of which was filed in the office of the Secretary of State of the State of Delaware on July 25, 1968, and recorded in the office of the Recorder of Deeds for Kent County, State of Delaware, on July 25, 1968, DO HEREBY CERTIFY:

I. That the Restated Certificate of Incorporation of the Corporation shall read as follows:

Article 1. The name of the Corporation is JOHN PIERREPONT COMPANY, INC.

Article 2. The address of the Corporation's registered office in the State of Delaware is 229 South State Street, City of Dover, County of Kent. The name of the Corporation's registered agent at such address is The Prentice-Hall Corporation System, Inc.

Article 3. The nature of the business and the purposes to be conducted and promoted by the Corporation are to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

Article 4. The amount of the total authorized capital stock of the Corporation shall be 3,500 shares of \$3.60 Preferred Stock having a par value of \$100 per share and 10,000 shares of Common Stock without par value.

The relative rights, preferences, voting powers and limitations of the shares of each class of stock of the Corporation are as follows:

A. \$3.60 PREFERRED STOCK

Section 1

\$3.60 Preferred Stock Dividend Rights;
Restrictions on Dividend Rights and
Acquisition of Junior Classes

1.1. The holders of the \$3.60 Preferred Stock shall be entitled to receive, when and as declared out of the assets of the Corporation legally available therefor and subject to any applicable restrictions from time to time in effect for the benefit of holders of any class of indebtedness of the Corporation, cumulative dividends at the rate of \$3.60 per annum, and no more, payable quarter-annually on October 1, January 1, April 1, and July 1 in each year. Dividends on the \$3.60 Preferred Stock shall be cumulative from the date on which the \$3.60 Preferred Stock is issued. Accumulations of dividends shall not bear interest.

1.2. If dividends for any dividend period are not paid in full, all shares of the \$3.60 Preferred Stock at the time outstanding shall participate ratably in the payment of dividends for such period in proportion to the respective amounts which would be payable on such shares if dividends for such period were being paid in full.

1.3. So long as any of the \$3.60 Preferred Stock is outstanding, the Corporation shall not declare or pay any dividend on any of the Common Stock or on any other stock of the Corporation having rights or preferences as to dividends or assets junior to the rights and preferences of the \$3.60 Preferred Stock, or redeem, purchase or otherwise acquire any such stock unless, in each case,

(a) full cumulative dividends on the \$3.60 Preferred Stock for all past dividend periods and for the then current dividend period shall have been declared and paid or a sum in cash sufficient for the payment thereof set apart for payment; and

(b) the full amount of all sinking fund redemptions, if any, then and theretofore required to be made on the \$3.60 Preferred Stock shall have been made.

Section 2

\$3.60 Preferred Stock Liquidation, Etc. Rights

2.1. In the event of any liquidation, dissolution or winding up of the Corporation, before any distribution of the assets of the Corporation (whether capital or surplus) shall be made to or set apart for the holders of any of the Common Stock or any other stock of the Corporation having rights or preferences as to assets junior to the rights and preferences of the \$3.60 Preferred Stock, the holders of the \$3.60 Preferred Stock shall be entitled to the payment in cash of the par value of \$100 per share, together with a sum equal to full cumulative dividends thereon to the date of final distribution to the holders of the \$3.60 Preferred Stock.

2.2. If, upon any such liquidation, dissolution or winding up, the assets of the Corporation distributable among the holders of the \$3.60 Preferred Stock shall be insufficient to pay to them in full the preferential amounts specified above, then such assets, or the proceeds thereof, shall be distributed among the holders of the \$3.60 Preferred Stock ratably in proportion to the amounts which would be payable to them, respectively, if such preferential amounts were paid to them in full.

Section 3

\$3.60 Preferred Stock Required Redemption

3.1. As a sinking fund for the retirement of the \$3.60 Preferred Stock, subject to the provisions of section 5 of this heading A, commencing on June 1, 1975, and thereafter on each succeeding June 1, the Corporation shall redeem 350 shares of \$3.60 Preferred Stock, upon the payment in cash of an amount equal to the par value of \$100 per share, together with a sum equal to full cumulative dividends on the \$3.60 Preferred Stock being redeemed to the date fixed for redemption. No redemption of less than all of the outstanding shares of the \$3.60 Preferred Stock pursuant to any other section of this heading A shall be credited to, or shall relieve the Corporation from its obligation to make, the sinking fund redemptions provided for in this section 3.

Section 4

\$3.60 Preferred Stock Optional Redemption

4.1. Subject to the provisions of section 5 of this heading A, on the date fixed for any sinking fund redemption of \$3.60 Preferred Stock required to be made pursuant to section 3.1 of this heading A, the Corporation may, at its option, redeem an additional number of shares of \$3.60 Preferred Stock equal to the number of shares to be redeemed on that date pursuant to such section 3.1, upon the payment in cash of an amount equal to the par value of \$100 per share, together with a sum equal to full cumulative dividends on the \$3.60 Preferred Stock being redeemed to the date fixed for redemption.

4.2. Subject to the provisions of section 5 of this heading A, the Corporation may, at its option, redeem the \$3.60 Preferred Stock, as a whole at any time or in part from time to time, upon the payment in cash of an amount equal to the par value of \$100 per share, together with a sum equal to full cumulative dividends on the \$3.60 Preferred Stock being redeemed to the date fixed for redemption.

Section 5

General Provisions Applicable to \$3.60 Preferred Stock Redemption and Acquisition

5.1. Notwithstanding the provisions of sections 3 and 4 of this heading A, the Corporation shall not pay or set apart for payment any amount for the redemption of \$3.60 Preferred Stock or directly or indirectly make or set apart any amount for the purchase or other acquisition of any shares of \$3.60 Preferred Stock in contravention of any applicable restrictions from time to time in effect for the benefit of holders of any class of indebtedness of the Corporation nor (except for the purpose of curing, in whole or in part, any arrears with respect to any sinking fund redemptions of the \$3.60 Preferred Stock then or theretofore required to be made) unless, in each case,

(a) full cumulative dividends on the \$3.60 Preferred Stock for all past dividend periods and for the then current dividend period shall have been declared and paid; and

(b) the full amount of all sinking fund redemptions of the \$3.60 Preferred Stock then or theretofore required to be made shall have been made.

5.2. In case of each redemption of \$3.60 Preferred Stock other than a sinking fund redemption pursuant to section 3.1 of this heading A, the Corporation shall give notice thereof to each holder of \$3.60 Preferred Stock not less than 30 days prior to the date fixed for such redemption, specifying (a) the section pursuant to which the redemption is made, (b) the date fixed for redemption, (c) the amount per share payable on redemption, and (d) if less than all of the shares of \$3.60 Preferred Stock are to be redeemed, the total number of shares thereof to be redeemed on such date and the number of shares thereof held by such holder to be redeemed on such date.

5.3. If less than all the shares of \$3.60 Preferred Stock are to be redeemed, the shares of \$3.60 Preferred Stock to be redeemed shall be allocated in whole shares among all of the holders ratably in proportion, as nearly as practicable, to the respective numbers of shares held by such holders, with adjustments, to the extent practicable, to compensate for any prior redemptions not allocated exactly in such proportion.

5.4. Upon the date fixed for any redemption of the \$3.60 Preferred Stock, unless the Corporation shall default in paying the amounts payable on redemption as provided herein, all shares of the \$3.60 Preferred Stock redeemed shall be deemed to be no longer outstanding for any purpose, whether or not the certificates for such shares shall have been surrendered for cancellation, and all rights with respect to such shares shall thereupon cease, except only the right of the holders of such shares to receive the amounts payable upon the redemption thereof. All shares of the \$3.60 Preferred Stock redeemed by the Corporation shall be retired and cancelled and shall not be re-issued.

Section 6

\$3.60 Preferred Stock Voting Powers

6.1. Except as otherwise expressly provided herein or by statute, the holders of the \$3.60 Preferred Stock shall have no right as such holders to vote at or participate in any meeting of stockholders of the Corporation or to receive any notice of any such meeting.

6.2. If at any time

(a) the Corporation shall be in arrears in the payment of five consecutive dividends or any ten dividends, whether or not consecutive, on the \$3.60 Preferred Stock, whether or not earned or declared; or

(b) the Corporation shall be in arrears with respect to three consecutive sinking fund redemptions or any six sinking fund redemptions, whether or not consecutive, of the \$3.60 Preferred Stock, then or theretofore required to be made;

thereafter the holders of the \$3.60 Preferred Stock shall be entitled to receive notice of all meetings of stockholders for the election of directors and, voting as a class, shall be entitled forthwith to elect the largest number of directors as shall constitute a minority of the total number of directors of the Corporation.

6.3. If any condition referred to in section 6.2 of this heading A shall occur, the number of directors then constituting the total number of directors of the Corporation shall be increased by such number as shall represent the largest number as shall constitute a minority of the total number of directors of the Corporation after such increase, the Corporation shall give prompt notice thereof to the holders of the \$3.60 Preferred Stock and an officer of the Corporation or any director shall call a special meeting of the holders of the \$3.60 Preferred Stock to take place within 30 days of the occurrence of such condition. If such meeting shall not have been called as so provided, such meeting may be called at the expense of the Corporation by the holders of not less than 5% of the shares of the \$3.60 Preferred Stock at the time outstanding, on written notice to the holders of the \$3.60 Preferred Stock specifying the time and place of the meeting, given by mail not less than 10 nor more than 60 days before the date of such meeting. At such meeting the holders of the \$3.60 Preferred Stock shall elect by a plurality of the votes cast such number of directors of the Corporation as they are entitled by the foregoing provisions hereof to elect, to hold office until the annual meeting of stockholders next following their election and until their successors shall be elected and shall qualify. No director so elected, or otherwise elected by the holders of the \$3.60 Preferred Stock, voting as a class, shall, during his term of office, be removed from office except upon a like vote of the holders of the \$3.60 Preferred Stock, and any vacancy caused by the death, resignation or inability to serve of any director so elected shall be filled only by the vote of the holders of the \$3.60 Preferred Stock at a special meeting called for the purpose or at the next annual meeting of stockholders, and the authorized number of directors of the Corporation shall not be increased without according to the holders of the \$3.60 Preferred Stock the right, voting as a class, to elect such of the increased number of directors as may be necessary to maintain at the proportion required by section 6.2 of this heading A the number of directors elected by the holders of the \$3.60 Preferred Stock. For the foregoing purposes and for the purposes of the exercise of voting rights by the holders of the \$3.60 Preferred Stock as a class at each meeting of stockholders, each holder of the \$3.60 Preferred Stock shall be

entitled to one vote for each share of \$3.60 Preferred Stock held by such holder and the holders of a majority of the shares of the \$3.60 Preferred Stock at the time outstanding shall constitute a quorum.

6.4. If the holders of shares of the \$3.60 Preferred Stock shall have acquired the right to the election of directors pursuant to the provisions of section 6.2 of this heading A, such voting rights shall continue at each meeting of stockholders until

(a) the Corporation shall not be in arrears in the payment of any dividend on the \$3.60 Preferred Stock; and

(b) the Corporation shall not be in arrears with respect to any sinking fund redemption of the \$3.60 Preferred Stock then or theretofore required to be made;

whereupon the rights of the holders of the \$3.60 Preferred Stock to receive notice of and to vote at meetings for the election of directors, and the terms of office of all persons who may have been elected directors of the Corporation by vote of such holders pursuant to this section 6 shall cease and such directorships shall lapse, all subject to revival upon the subsequent occurrence of any of the conditions specified in section 6.2 of this heading A.

Section 7

\$3.60 Preferred Stock Restrictions on Corporate Action

Without the consent of the holders of record of at least 66-2/3% of the shares of \$3.60 Preferred Stock at the time outstanding, given in writing or by vote at any regular or special meeting of stockholders, the Corporation shall not

(a) increase the authorized number of shares of capital stock of the Corporation of any class, except a class or classes having rights and preferences as to dividends and assets junior in all respects to the rights and preferences of the \$3.60 Preferred Stock;

(b) reclassify any stock into any shares of \$3.60 Preferred Stock or any shares having any right or preference as to dividends or assets senior to or on a parity with any right or preference of the \$3.60 Preferred Stock;

(c) effect any amendment to the Restated Certificate of Incorporation of the Corporation inconsistent with subdivision (a) or (b) of this section 7, or otherwise prejudicial to the interests of the holders of the \$3.60 Preferred Stock; or

(d) directly or indirectly consolidate with or merge into any other corporation, or permit any other corporation to consolidate with or merge into it, make any sale, lease (if made on such terms as substantially to constitute a sale) or other disposition of the property and business of the Corporation as or substantially as an entirety, or take any proceeding looking toward the liquidation, dissolution or winding up of the Corporation.

Section 8

\$3.60 Preferred Stock Payments and Notices

All notices and all payments with respect to the \$3.60 Preferred Stock shall be mailed to the holders thereof at their respective addresses, as the same shall appear on the books of the Corporation.

Section 9

\$3.60 Preferred Stock Definitions

For the purposes of this heading A, the following terms shall have the following respective meanings:

dividend periods: the periods beginning on October 2, January 2, April 2 and July 2, and ending January 1, April 1, July 1 and October 1, respectively, provided that the first dividend period shall begin on the date on which the \$3.60 Preferred Stock is issued, and end on the first January 1, April 1, July 1, or October 1 (whichever is earliest) following the date on which the \$3.60 Preferred Stock is issued.

full cumulative dividends: cumulative dividends on the \$3.60 Preferred Stock computed, to the date or for the dividend period with reference to which the expression is used, at the rate of \$3.60 per annum (whether or not such amount or any part thereof shall have been declared as dividends, whether or not there exists or shall have existed available funds out of which

dividends in such amount might be or might therefore have been declared and whether or not declarations or payment of dividends in such amount shall be or shall have been in contravention of any applicable restrictions from time to time in effect for the benefit of holders of any class of indebtedness of the Corporation), less the aggregate of dividends paid thereon to such date or for such dividend period, as the case may be.

B. COMMON STOCK

Section 1

Common Stock Junior to Preferred Stock

The rights of the holder of the Common Stock as to dividends and assets shall be junior to the rights and preferences of the holders of the \$3.60 Preferred Stock.

Section 2

Common Stock Dividends

Subject to the provisions of section 1.3 of heading A of this Article 4, dividends may be declared and paid upon the Common Stock out of the assets of the Corporation legally available therefor, when and as determined by the Board of Directors.

Section 3

Common Stock Liquidation, Etc. Rights

Subject to the provisions of section 2.1 of heading A of this Article 4, the holders of the Common Stock shall be entitled to receive, in the event of any liquidation, dissolution or winding up of the Corporation all of the assets of the Corporation available for distribution to stockholders. In such event, each holder of the Common Stock shall receive that fraction of such assets as shall equal the total number of shares of Common Stock held by such holder divided by the total number of shares of Common Stock then outstanding.

Section 4

Common Stock Voting Powers

Subject to the provisions of section 6 of heading A of this Article 4, the entire voting power of the Corporation shall be vested in the holders of the Common Stock and each holder of the Common Stock shall be entitled to one vote for each share of Common Stock held of record by such holder.

Article 5. The following provisions are adopted for the management of the business and for the conduct of the affairs of the Corporation and for creating, defining, limiting and regulating the powers of the Corporation, the directors and the stockholders:

(a) Both stockholders and directors of the Corporation shall have power to hold their meetings within or without the State of Delaware; and the books and records of the Corporation may be kept within or without the State of Delaware at such place or places as may, from time to time, be designated by the Board of Directors.

(b) The number of directors of the Corporation shall be fixed by the By-Laws. Directors shall be elected initially by the Incorporator, and thereafter, except as provided in section 6.3 of heading A of Article 4, at the annual meeting of the stockholders. Each director shall hold office until his successor is elected and qualified, until his earlier resignation or removal, or, if he holds office pursuant to section 6 of heading A of Article 4, until his right to hold office shall cease pursuant to the provisions of section 6.4 of heading A of Article 4. Subject to the provisions of Article 4 at the time in effect,

vacancies and newly created directorships resulting from any increase in the authorized number of directors may be filled by a majority of the directors then in office, though less than a quorum, acting at a regular or special meeting, or by the stockholders acting at an annual or special meeting. The elections of directors need not be by ballot.

(c) The original By-Laws of the Corporation shall be adopted by the Incorporator. The Board of Directors shall have power to make, alter and repeal By-Laws, subject to such restrictions upon the exercise of such power as may be expressly imposed by the Incorporator or the stockholders in any By-Laws adopted by him or by them from time to time.

(d) The business of the Corporation shall be managed by its Board of Directors, and the Board of Directors may exercise all of the powers of the Corporation without any action or consent by the stockholders, except as may otherwise be provided by the statutes of the State of Delaware, by this Restated Certificate of Incorporation, or by the By-Laws.

(e) The Board of Directors shall have the power, in its discretion, from time to time to fix and vary the amounts to be maintained as surplus and as working capital and to create and set apart reserves for any proper purposes and to abolish any such reserves; and to fix and determine, subject to limitations imposed by law, what portion of the consideration received upon any issue of stock shall constitute capital and what portion, if any, paid-in or capital surplus; to cause dividends to be paid from paid-in or capital surplus or from any surplus due to appreciation in value of any property of the Corporation; to determine whether and when dividends shall be declared and paid and in what manner and form; and to determine the use and disposition of any surplus or net profits of the Corporation.

(f) The Board of Directors shall have the power to subject the whole or any part of the real and personal properties of the Corporation, including after-acquired property, to liens, mortgages and encumbrances, without limit as to amount.

(g) Any director of the Corporation may vote upon any contract or other transaction between the Corporation and any subsidiary or affiliated corporation without regard to the fact that he is also a director or officer of such subsidiary or affiliated corporation.

(h) The directors may, acting in good faith and in their discretion, submit any contract, act or proposal for authorization, approval or ratification at any meeting of stockholders, and any such contract, act or proposal authorized,

approved or ratified by a vote of the holders of a majority of the shares of capital stock of the Corporation represented in person or by proxy at such meeting and entitled to vote shall be as valid and as binding upon the Corporation and upon all stockholders as though it had been authorized, approved, or ratified, as the case may be, by every stockholder of the Corporation.

II. That the Restated Certificate of Incorporation of the Corporation set forth in paragraph I above was duly adopted in accordance with the provisions of Sections 242, 245 and 228 of the General Corporation Law of the State of Delaware, the Board of Directors of the Corporation having adopted resolutions setting forth such Restated Certificate of Incorporation, declaring its advisability and directing that it be considered by the stockholders of the Corporation on or before August 22, 1968, and the written consent of all of the stockholders of the Corporation to the Restated Certificate of Incorporation and to its filing in the present form by the Vice President and Secretary of the Corporation in lieu of a meeting and vote of such stockholders having been obtained on or before August 22, 1968.

III. That the capital of the Corporation will not be reduced under or by reason of the above-mentioned Restated Certificate of Incorporation.

IN WITNESS WHEREOF, we have hereunto subscribed our names and affixed the seal of the Corporation this 22nd day of August, 1968.



attest:

Charles H. Brune
Secretary

Samuel W. Adams
Vice President

STATE OF NEW YORK

COUNTY OF NEW YORK

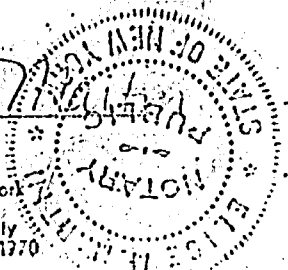
ss.:

BE IT REMEMBERED, that on the 22nd day of August, 1968, personally came before me, Elise M. Martin, a Notary Public in and for the County and State aforesaid, duly commissioned and sworn to take acknowledgements or proof of deeds, Douglas W. Hawes, Vice President of John Pierpont Company, Inc., a Delaware corporation, the corporation described in the foregoing Certificate, known to me personally to be such, and he, the said Douglas W. Hawes as such Vice President, duly executed the foregoing Certificate before me, and acknowledged the said Certificate to be his act and deed and made on behalf of said Corporation; that the signatures of the said Vice President and of Charles H. Burger, Secretary of said Corporation, to such Certificate are in the handwriting of the said Vice President and Secretary of said Corporation, respectively; that the seal affixed to said Certificate is the corporate seal of said Corporation; and that the act of sealing, executing, acknowledging and delivering the said Certificate was duly authorized by the Board of Directors of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office the day and year aforesaid.

Elise M. Martin
Notary Public

ELISE M. MARTIN
Notary Public, State of New York
No. 7726516
Qualified in New York County
Commission Expires March 30, 1970

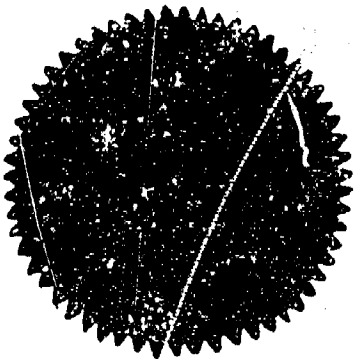




Office of Secretary of State

I, Eugene Bunting, Secretary of State of the State of Delaware,
do hereby certify that the above and foregoing is a true and correct copy of
Restated Certificate of Incorporation of the "JOHN PIERREPONT COMPANY,
INC.", as received and filed in this office the twenty-third day of
August, A.D. 1968, at 9 o'clock A.M.

In Testimony Whereof, I have hereunto set my hand
and official seal at Dover this sixth day
of February in the year of our Lord
one thousand nine hundred and sixty-nine.



Eugene Bunting

Secretary of State

R. F. Caldwell

Asst. Secretary of State

on or before
(First Publication February 29 1969.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak.,February..13....., 1969.

Notice is hereby given that Gurney Seed & Nursery Co., Inc. whose postoffice address is Yankton S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.89 cubic feet of water per second of time from ~~the~~ ground water through the Gurney Irrigation Project #5 at two points the point of diversion of which is to be located on the ~~bank of said stream~~ in the W 1/2 of the SW 1/4 of Section 4 Twp. 93N Range 55W. Said water to be used for the purpose of providing irrigation on the following described land:

W¹/₄ SW¹/₄, SE¹/₄ NW¹/₄, Section 4; E¹/₄ SE¹/₄, Section 5; NW¹/₄ NW¹/₄, Section 9,
T93N, R55W

~~REFLEX~~-----REFLEX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 25th day of March, 1969, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

cc: Donald L. Kruml, Vice Pres.
Gurney Seed & Nursery Co. Inc. By:
Yankton, SD.

Burton F. Jones
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Yankton } ss.

Colin D. Monfore being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Yankton

Daily Press & Dakotan a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

City of Yankton County of

Yankton and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 28

March

March 14

March 21

in each and every issue of the full number thereof, the first publication being made on the 28th day of February

1969 and the last publication on the 21st day of

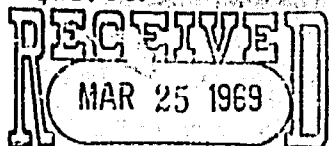
March 1969, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was both the printer and publisher of the said newspaper.

Colin D. Monfore

Subscribed and sworn to before me this 21st day of March A. D. 1969

Full amount of fee charged for said publication -- \$23.04.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notary Public Yankton County, S. D.

2/28 & 3/7 & 14 & 21
NOTICE OF INTENTION TO
APPROPRIATE WATER

1661-3
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., February 13, 1969.

Notice is hereby given that Gurney Seed & Nursery Co., Inc., whose postoffice address is Yankton, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.49 cubic feet of water per second of time from ground water through the Gurney Irrigation Project No. 6, the point of diversion of which is to be located at two points in the NW 1/4 of the SW 1/4 of Section 4, Twp. 93N., R. 66W. Said water to be used for the purpose of providing irrigation on portions of the following described land: 1/4 SW 1/4, 1/4 NW 1/4, Section 4; 1/4 SW 1/4, Section 8; NW 1/4, NW 1/4, Section 9, T93N., R66W., S. D. 56367.

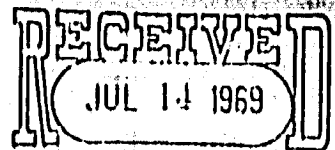
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 26th day of March, 1969, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

STATE WATER RESOURCES

COMMISSION

By: Burton P. Jones
Water Rights Specialist.
cc: Donald L. Kruml, Vice Pres.
Gurney Seed & Nursery Co. Inc.,
Yankton, S. D.

Permit No. 1661-3Water Division No. 3 Yankton River Water DistrictSTATE WATER RESOURCES COM. I.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.)

Yankton, SD Dak

(Date)

7-9-69

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 15th day of July1969 at Yankton County of Yankton State of South Dakota,before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)of 2.85 cubic feet per second of the waters of ground waterIn accordance with the terms and conditions of Permit No. 1661-3
heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

Quarven Seed & Nursery Company Inc.
Yankton, South Dakota2. The use to which said water has been applied is Irrigation3. The amount applied to beneficial use is 1.59 C.F.S.4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) See Attached addendum

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

6. The right to take the water from such works is based upon permit No. 1661-37. The source of supply from which such water is diverted is Ground Water8. The date of priority which said user is prepared to establish is 7-9-69

(Sign)

Ronald L. Krueger

Southeast Quarter of the Northwest Quarter and the West
One-half of the Southwest Quarter of Section 4, East
One-half of the Southwest Quarter of Section 5, and all
that part of the Northwest Quarter of the Northwest
Quarter of Section 9, lying North and West of old South
Dakota highway No. 50 and East of the road running North
and South through said Northwest Quarter of the Northwest
Quarter of Section 9, said parcel being described as
follows, beginning in the center of the County Road on
the North line of Section 9, Township 93, Range 55,
thence East on the Section line 12 chains and 15 links
to the NE corner of the NW 1/4 of the NW 1/4 of said
Section 9, thence South 1 chain and 30 links to the
center of the Territorial Road from Yankton to the ferry
on the James River, thence South 52 degrees West (approx-
imately), along the center of said road to the center of the
County Road, which is 7.85 chains East of the Section line,
thence due North along the center of said road to the place
of beginning, all in Township 93 North of Range 55 West of
the 5th P.M., except land deeded to Yankton County, South
Dakota, for road purposes, described as parcel R-9 in
NW 1/4 of NW 1/4 of Section 9, and parcels R-5 and R-6 in
W 1/2 of SW 1/4 of Section 4.

Permit No. 1661-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by GURNEY SEED & NURSERY Co, Inc of YANKTON holder _____
 of Permit No. 1661-3, bearing date of priority of FEBRUARY 12, 1969
 authorizing the diversion of 2.85 cu. ft. per second of the waters of GROUND WATER
 for IRRIGATION purposes, in YANKTON County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

- #1 110' DEEP WELL w/ 12" STEEL CASING
 #2 95' " " w/ 12" " "

B. Works used to transport water to place of use,

- 2- BERKELEY 8" PUMPS, POWERED BY GE 60HP
 ELECTRIC MOTORS

C. Works used to apply water to beneficial use,

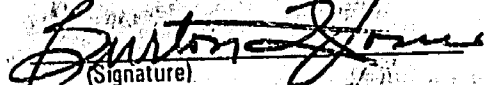
- 2000' OF 5" MAINLINE
 1500' OF 4" SPRINKLER LINE w/ RAINBIRD #30
 SPRINKLER HEADS @ 30' SPACINGS.

The system is in the following condition: EXCELLENT

The point of diversion is located ABOUT 650' E & 1300' N AND A POINT
1300' E & 1320' N OF SW CORNER, SECTION 4, T93N, R55W

The works are capable of diverting and conveying to the place of use 2.85cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T93N, R55W

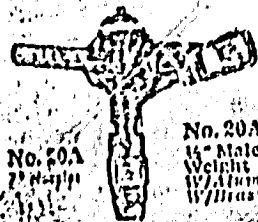
SECTION 4	SECTION 5	SECTION 9
N ² SW ⁴ 70 AC.	E ² SE ⁴ 80 AC.	NW ⁴ NW ⁴ 10 AC.
SE ⁴ NW ⁴ 40		

comprising a total of 200 acres of land.Date SEPTEMBER 17 1969


(Signature)

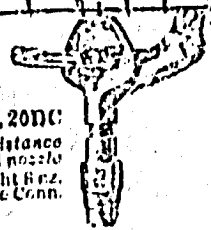
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

RAIN BIRD Full Circle SPRINKLERS



No. 20A
2 1/2" Male Conn.

No. 20A III-E
1 1/2" Male Conn.
Weight 1 lb. 10 oz.
Willow Arm 10 oz.

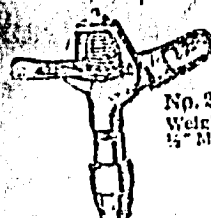


No. 20DC
Distance
control nozzle
Weight 8 oz.
1 1/2" Male Conn.

No. 20A - No. 20A III-E Use brass Arm in shaded area

No. 20A	No. 20A III-E	No. 20A	No. 20A III-E	No. 20A	No. 20A III-E
Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.
15	1.75	43	2.33	47	2.43
20	2.17	47	2.53	51	2.63
25	2.57	51	2.73	55	2.83
30	2.97	55	2.93	59	3.03
35	3.37	59	3.13	63	3.23
40	3.77	63	3.33	67	3.43
45	4.17	67	3.53	71	3.63
50	4.57	71	3.73	75	3.83
55	4.97	75	3.93	79	4.03
60	5.37	79	4.13	83	4.23
65	5.77	83	4.33	87	4.43
70	6.17	87	4.53	91	4.63
75	6.57	91	4.73	95	4.83
80	6.97	95	4.93	99	5.03
85	7.37	99	5.13	103	5.23
90	7.77	103	5.33	107	5.43
95	8.17	107	5.53	111	5.63
100	8.57	111	5.73	115	5.83
105	8.97	115	5.93	119	6.03
110	9.37	119	6.13	123	6.23
115	9.77	123	6.33	127	6.43
120	10.17	127	6.53	131	6.63
125	10.57	131	6.73	135	6.83
130	10.97	135	6.93	139	7.03

No. 20ADJ
Adj. pin nozzle
1 1/2" Male Conn.



No. 20L
Weight 8 oz.
1 1/2" Male Conn.

No. 20ADJ	No. 20L	No. 20ADJ	No. 20L	No. 20ADJ	No. 20L
Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.
20	1.97	75	2.33	75	2.33
25	2.33	79	2.53	79	2.53
30	2.69	83	2.73	83	2.73
35	3.05	87	2.93	87	2.93
40	3.41	91	3.13	91	3.13
45	3.77	95	3.33	95	3.33
50	4.13	99	3.53	99	3.53
55	4.49	103	3.73	103	3.73
60	4.85	107	3.93	107	3.93
65	5.21	111	4.13	111	4.13
70	5.57	115	4.33	115	4.33
75	5.93	119	4.53	119	4.53
80	6.29	123	4.73	123	4.73
85	6.65	127	4.93	127	4.93
90	7.01	131	5.13	131	5.13
95	7.37	135	5.33	135	5.33
100	7.73	139	5.53	139	5.53
105	8.09	143	5.73	143	5.73
110	8.45	147	5.93	147	5.93
115	8.81	151	6.13	151	6.13
120	9.17	155	6.33	155	6.33
125	9.53	159	6.53	159	6.53
130	9.89	163	6.73	163	6.73
135	10.25	167	6.93	167	6.93
140	10.61	171	7.13	171	7.13
145	10.97	175	7.33	175	7.33
150	11.33	179	7.53	179	7.53
155	11.69	183	7.73	183	7.73
160	12.05	187	7.93	187	7.93
165	12.41	191	8.13	191	8.13
170	12.77	195	8.33	195	8.33
175	13.13	199	8.53	199	8.53
180	13.49	203	8.73	203	8.73
185	13.85	207	8.93	207	8.93
190	14.21	211	9.13	211	9.13
195	14.57	215	9.33	215	9.33
200	14.93	219	9.53	219	9.53

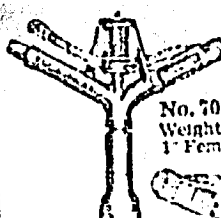
No. 30
Weight 1 lb. 10 oz.
1 1/2" Male Conn.



No. 40B
Weight 1 lb. 8 oz.
1 1/2" Male Conn.

No. 30	No. 40B	No. 30	No. 40B	No. 30	No. 40B
Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.
20	1.97	75	2.33	75	2.33
25	2.33	79	2.53	79	2.53
30	2.69	83	2.73	83	2.73
35	3.05	87	2.93	87	2.93
40	3.41	91	3.13	91	3.13
45	3.77	95	3.33	95	3.33
50	4.13	99	3.53	99	3.53
55	4.49	103	3.73	103	3.73
60	4.85	107	3.93	107	3.93
65	5.21	111	4.13	111	4.13
70	5.57	115	4.33	115	4.33
75	5.93	119	4.53	119	4.53
80	6.29	123	4.73	123	4.73
85	6.65	127	4.93	127	4.93
90	7.01	131	5.13	131	5.13
95	7.37	135	5.33	135	5.33
100	7.73	139	5.53	139	5.53
105	8.09	143	5.73	143	5.73
110	8.45	147	5.93	147	5.93
115	8.81	151	6.13	151	6.13
120	9.17	155	6.33	155	6.33
125	9.53	159	6.53	159	6.53
130	9.89	163	6.73	163	6.73
135	10.25	167	6.93	167	6.93
140	10.61	171	7.13	171	7.13
145	10.97	175	7.33	175	7.33
150	11.33	179	7.53	179	7.53
155	11.69	183	7.73	183	7.73
160	12.05	187	7.93	187	7.93
165	12.41	191	8.13	191	8.13
170	12.77	195	8.33	195	8.33
175	13.13	199	8.53	199	8.53
180	13.49	203	8.73	203	8.73
185	13.85	207	8.93	207	8.93
190	14.21	211	9.13	211	9.13
195	14.57	215	9.33	215	9.33
200	14.93	219	9.53	219	9.53

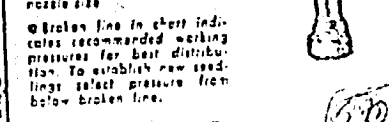
No. 40BW
Weight 1 lb. 6 oz.
1 1/2" Male Conn.



No. 50B
Weight 2 lbs. 11 oz.
1" Female Conn.

No. 40BW	No. 50B	No. 40BW	No. 50B	No. 40BW	No. 50B
Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.
20	1.97	75	2.33	75	2.33
25	2.33	79	2.53	79	2.53
30	2.69	83	2.73	83	2.73
35	3.05	87	2.93	87	2.93
40	3.41	91	3.13	91	3.13
45	3.77	95	3.33	95	3.33
50	4.13	99	3.53	99	3.53
55	4.49	103	3.73	103	3.73
60	4.85	107	3.93	107	3.93
65	5.21	111	4.13	111	4.13
70	5.57	115	4.33	115	4.33
75	5.93	119	4.53	119	4.53
80	6.29	123	4.73	123	4.73
85	6.65	127	4.93	127	4.93
90	7.01	131	5.13	131	5.13
95	7.37	135	5.33	135	5.33
100	7.73	139	5.53	139	5.53
105	8.09	143	5.73	143	5.73
110	8.45	147	5.93	147	5.93
115	8.81	151	6.13	151	6.13
120	9.17	155	6.33	155	6.33
125	9.53	159	6.53	159	6.53
130	9.89	163	6.73	163	6.73
135	10.25	167	6.93	167	6.93
140	10.61	171	7.13	171	7.13
145	10.97	175	7.33	175	7.33
150	11.33	179	7.53	179	7.53
155	11.69	183	7.73	183	7.73
160	12.05	187	7.93	187	7.93
165	12.41	191	8.13	191	8.13
170	12.77	195	8.33	195	8.33
175	13.13	199	8.53	199	8.53
180	13.49	203	8.73	203	8.73
185	13.85	207	8.93	207	8.93
190	14.21	211	9.13	211	9.13
195	14.57	215	9.33	215	9.33
200	14.93	219	9.53	219	9.53

No. 70BW
Weight 3 lbs.
1" Female Conn.



No. 70BW	No. 70BW	No. 70BW	No. 70BW	No. 70BW	No. 70BW
Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.	Pressure P.S.I.	Discharge C.P.M.
20	1.97	75	2.33	75	2.33
25	2.33	79	2.53	79	2.53
30	2.69	83	2.73	83	2.73
35	3.05	87	2.93	87	2.93
40	3.41	91	3.13	91	3.13
45	3.77	95	3.33	95	3.33
50	4.13	99	3.53	99	3.53
55	4.49	103	3.73	103	3.73
60	4.85	107	3.93	107	3.93
65	5.21	111	4.13	111	4.13
70	5.57	115	4.33	115	4.33
75	5.93	119	4.53	119	4.53
80	6.29	123	4.73	123	4.73
85	6.65	127	4.93	127	4.93
90	7.01	131	5.13	131	5.13
95	7.37	135	5.33	135	5.33
100	7.73	139	5.53	139	5.53
105	8.09	143	5.73	143	5.73
110	8.45	147	5.93	147	5.93
115	8.81	151	6.13	151	6.13
120	9.17	155	6.33	155	6.33
125	9.53	159	6.53	159	6.53
130	9.89	163	6.73	163	6.73
135	10.25	167	6.93	167	6.93
140	10.61	171	7.13	171	7.13
145	10.97	175	7.33	175	7.33
150	11.33	179	7.53	179	7.53
155	11.69	183	7.73	183	7.73
160	12.05	187	7.93	187	7.93
165	12.41	191	8.13	191	8.13
170	12.77	195	8.33	195	8.33
175	13.13	199	8.53	199	8.53
180	13.49	203	8.73	203	8.73
185	13.85	207	8.93	207	8.93
190	14.21	211	9.13	211	9.13
195	14.57	215	9.33	215	9.33
200	14.93	219	9.53	219	9.53



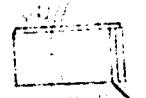
PITOT TUBE
AND GAUGE
For measuring
sprinkler operating
pressure at nozzle. Hold
tip of Pitot Tube 1/4" from
the nozzle opening and in
the center of the water
stream.



HEARING WRENCH
For removing con-
necting pin from
sprinkler with 1/2" hex pin 1/2"
connection.



RAIN
BIRD PARTS
KITS
Complete parts for service
Rain Bird 20 and 25 Series
Sprinkler heads are in-
cluded in these attractive plastic
display box containers. See
Catalog Sheet #2628 for
contents.



DEFLECTOR
SHIELD
Intercept Back Splash
From Part Circle Sprinkler
without buildings or ob-
stacles. For pipe specific
or 1/2" size. For bases specify
size.

STILL COCK ADAP-
TOR... Used for con-
necting pipe to
check water pressure.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 3, 2002

Darrell Nelson Farms Inc.
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

For several years, Gurney Seed & Nursery Co. Inc. held water rights for irrigation use in Yankton County. It is our understanding that you now own portions of the property that is covered by water rights held by Gurney Seed & Nursery Co. Inc.

- Water Right No. 1661-3 authorized irrigation in portions W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4 and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5; all in T93N-R55W.

In an effort to keep our records accurate we would like to know if you irrigate any of the above listed lands. If so, the water right should be transferred to your name.

Please call or write and let us know the status of irrigation on this property. If you are irrigating this land, we will send you the proper forms to get the water right transferred to you. Enclosed is a postage prepaid envelope for your response.

If you have any questions, please contact Genny McMath or me. Thank you for your cooperation.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 3, 2002

Arthur Anderson
1602 E Frankford Rd #607
Carrollton TX 75007

Dear Mr. Anderson:

For several years, Gurney Seed & Nursery Co. Inc. held water rights for irrigation use in Yankton County. It is our understanding that you own portions of the property that is covered by water rights held by Gurney Seed & Nursery Co. Inc.

- Water Right No. 1661-3 authorized irrigation in portions of the NW ¼ NW ¼ Section 9-T93N-R55W.

In an effort to keep our records accurate we would like to know if you irrigate any of the above listed lands. If so, the water right should be transferred to your name.

Please call or write and let us know the status of irrigation on this property. If you are irrigating this land, we will send you the proper forms to get the water right transferred to you. Enclosed is a postage prepaid envelope for your response.

If you have any questions, please contact Genny McMath or me. Thank you for your cooperation.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 8, 2002

No. 1661-3

Darrell Nelson Farm, Inc.
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1661-3. The water right is currently listed in the name of Gurney Seed & Nursery Co. Inc. Enclosed is a copy of the water right and map.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

During our phone conversation you stated you did not own the land located in the NW ¼ NW ¼ Section 9-T93N-R55W. Our check with the Director of Equalization indicated that Arthur Anderson, Carrollton TX was the owner. The letter we sent to him was returned by the post office. Do you know, is he the owner of this property? You stated the land owners name during our conversation, but I failed to write it down. You further stated he would not be irrigating this area because the well is located on your property. Is this correct?

I have also enclosed a copy of the statutes and rules regarding abandonment and forfeiture of water rights. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 13, 2002

No. 1661-3

Darrell Nelson Farm, Inc.
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

On February 8, 2002, we sent you a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1661-3. As of today, we have not received the transfer form. Enclosed is a copy of the letter and another form.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
AUG 14 2002
WATER RIGHTS
PROGRAM

No. 1661-3

Date: 8-12-02

I/We request that Water Right No. 1661-3

formerly owned by: Gurney Seed & Nursery Co., Inc.

be transferred to: (name & address) DARRELL NELSON FARMS, INC.

44023 306 ST YANKTON, SD 57078

Telephone No. 605-665-7216

Title to the following described land(s)/property has been transferred as described above:

approximately 190 acres located in the W 1/2 SW 1/4, SE 1/4 NW 1/4 Sec 4 and E 1/2 SE 1/4 Sec 5; all in T93N-R55W

I/We understand that the validity of Water Right No. 1661-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of YANKTON)

I/We Darrell Nelson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Darrell Nelson
(Signed by new owner)

Subscribed and sworn to before me this 12 day of August, 20 02

Patricia Merkil
(Notary Public)
my commission expires: 4-18-08

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 417290

Pierre, August 14, 2002

RECEIVED OF Darrell Nelson Farms, Inc., 44023 306 St., Yankton SD 57078
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1661-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Darland Ebele
Chief Engineer *gm*

Department of Natural Resources
Karen Schlaak

Dear Ms. Schlaak,

In February you contacted me in regards to the transfer of an irrigation permit on the land formerly owned by the Gurney Seed and Nursery Company. I apologize for the delay in this matter. This land has a difficult legal description, and that is part of the reason for the delay.

Prior correspondence indicates that you were searching for Arthur Anderson, Carrollton TX. But the legal description of NW 1/4 NW 1/4 9-93-55 does not correspond with any of the Gurney land that I purchased. Mr. Anderson does own some of the land to the south and west of my property. It is farmed by Luther Nielsen of Mission Hill, SD. 665-5093.

The correct legal for my portion of the Gurney property that was covered under the prior permit is as follows- W 1/2 SW 1/4 Sec. 4 lying West of the County Road as now located and E 1/2 SE 1/4 Sec.5 all in Township 93N 55W, Yankton Co., SD. The irrigation well is located on this property.

The land on the east side of the road was purchased by Tim Kotalik. Irene, SD. 263-3199.

The land in SE 1/4 NW 1/4 4-93-55 I believe is owned by the Tucker family, Don Tucker 665-1339.

Neither part of this former Gurney property is irrigated any more to the best of my knowledge.

I am considering irrigating my portion of the Gurney property in 2003 if I can put everything together. If I need to do anything besides this, please let me know.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Dan Nelson".



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 12, 2002

1661-3
1919-3

Donald Tucker
PO Box 757
Yankton SD 57078

Dear Mr. Tucker:

Enclosed, as we discussed, are Notice of Transfer of Ownership forms for use in filing an ownership change on the portion of land that you own described in Water Right Nos. 1661-3 and 1919-3.

I included the legal description of the land you own on the form for 1919-3. I left that portion blank on 1661-3 because I was not certain which area you owned. Please review both forms and complete as needed. A \$2.50 filing fee is needed for each transfer. The check or money order for the \$5.00 fee can be made payable to the Water Rights Program.

I have also included a map showing the area described in Water Right No. 1661-3. The area in yellow is the portion Mr. Nelson has filed a transfer on. Please outline the portion you own and the well that would be used to irrigate that portion.

You indicated you may know who owns the other areas. The dotted area in the W ½ SW ¼ Section 4, SE ¼ NW ¼ Section 4 and the area in the NW ¼ NW ¼ Section 10 are the portions I needed assistance on determining land ownership.

Thank you in advance for your help. I am enclosing a postage paid envelope for your convenience in returning the transfer forms, map and the filing fees. If you have any questions, please let me know.

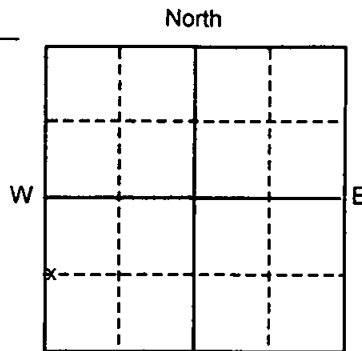
Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw 1/4 sw 1/4 Sec 4 Twp 93n Rg 55wCounty yanktonPlease mark well
location with an "X"

Well Completion Date

12/17/09Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
600.0 ft. from septic tank (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	62.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	14	9.5 Lb/gal	0.0 Ft	56.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16.00 Inches Length 40.0 FeetMaterial PVCSlot Size .060 Set From 62.0 Feet to 102.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Morris Nelson Farms

Business Name:

Address: 44023 306th StreetCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, dark brown, clayey	0	4
Clay, brown, silty, pebbly, till	4	36
Gravel, coarse,	36	49
sand, medium to coarse	49	78
Gravel, coarse	78	104

STATIC WATER LEVEL 31.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: air lift development☒ Bailed☐ Other

Pumping Level Below Land Surface

 Ft. After Hrs. pumped GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

Replacement well for old 12" steel well (collapsed)

This well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

RECEIVED

Signature of Well Owner or Equitable Property Holder:

JAN 29 2010

WATER RIGHTS
PROGRAMDate:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 9, 2010

Morris Nelson Farms
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

I am writing in regard to one of the three well driller's reports recently filed by Hammond-Wetmore Drilling. The well in question was completed December 17, 2009 and the form indicates the well location as the NW ¼ SW ¼ Section 4-T93N-R55W. The report states this well was a replacement well for an old 12" steel collapsed well. I have reviewed our files and cannot find a permit for a well in this location. Perhaps the report has an incorrect legal description.

Please call or email me regarding the location of this new well or which permit this well may pertain to. At that time, we can determine if any additional action needs to be taken.

Thank you in advance for your response.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



1661-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1661-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 27, 2015

Darrell Nelson
Nelson Family Partnership
44023 306th St
Yankton SD 57078

RE: Irrigation Questionnaires for Permit or Right Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



1661-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 15, 2016

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1661-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 26, 2016

Darrell Nelson
44023 306th St
Yankton SD 57078

RE: Water Right or Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires for the above listed water permits and water rights. You may disregard the January 15, 2016, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

With respect to the ownership changes needed, I have enclosed partially completed transfer forms for use in filing the ownership changes. Copies of the corresponding water rights and permit are also included. Please review the forms and make any necessary corrections. Upon completion, the forms need to be signed and returned to our office with a required filing fee of \$50.00 each (total of \$300). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Enclosures: Transfer forms & copies of Water Right Nos. 3369B-3, 4251-3, 4443-3, 2600A-3, 5414-3 and Water Permit No. 7199-3.



1661-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2020

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: VTCLLD**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1661-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 10, 2020

Darrell Nelson
Nelson Family Partnership
44023 306th St
Yankton SD 57078

RE: Water Right/Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3,
6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for the
above listed water rights and permits. The information was received in our office prior to the
Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: DARRELL & DENNIS NELSON, 44023 306TH ST, YANKTON, SD 57078 6008

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: URZTFB**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 17, 2025

1661-3, 2600A-3, 3369B-3, 4251-3,
4443-3, 4551-3, 5414-3, 6704-3,
6756-3, 7138-3, 7199-3,
7544-3, 7972-3 & 8348-3

Nelson Farms Inc
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6704-3, 6756-3, 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us