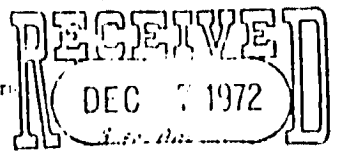
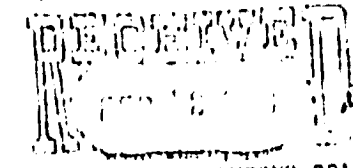


Water Right Number 1961-3

1. Considered MARCH 7, 1973
2. Name of Applicant GURNEY SEED & NURSERY CO., INC.
3. Post Office Address YANKTON
4. Amount of water claimed .88
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 61.80
7. Water to be diverted and used in YANKTON County
about 1 miles E. of YANKTON
8. Proof of Publication
Received 3-5-73
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 1391-3 Water Division No. 3 JAMES RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

GALLAGHER



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant GURNEY SEED & NURSERY CO., INC.
 Postoffice address Yankton State South Dakota 57008
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work Gurney Irrigation Project #7
4. Amount of water claimed (cubic feet per second) .88
5. Source of water supply Ground Water
6. Location of point of diversion a point in the NE 1/4 NE 1/4
Section 17, T. 93 N., R. 55 W
 _____ County Yankton
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 61.8

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Sec. 17, T. 93N, R55 W, NE 1/4 NE 1/4	37.4		
Sec. 17, T. 93N, R55 W, Lot 1	24.4		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use one years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Press & Dakotan, Yankton, South Dakota
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Deep Well

B. Works proposed to transport water to place of use.

Irrigation Pipe--already own

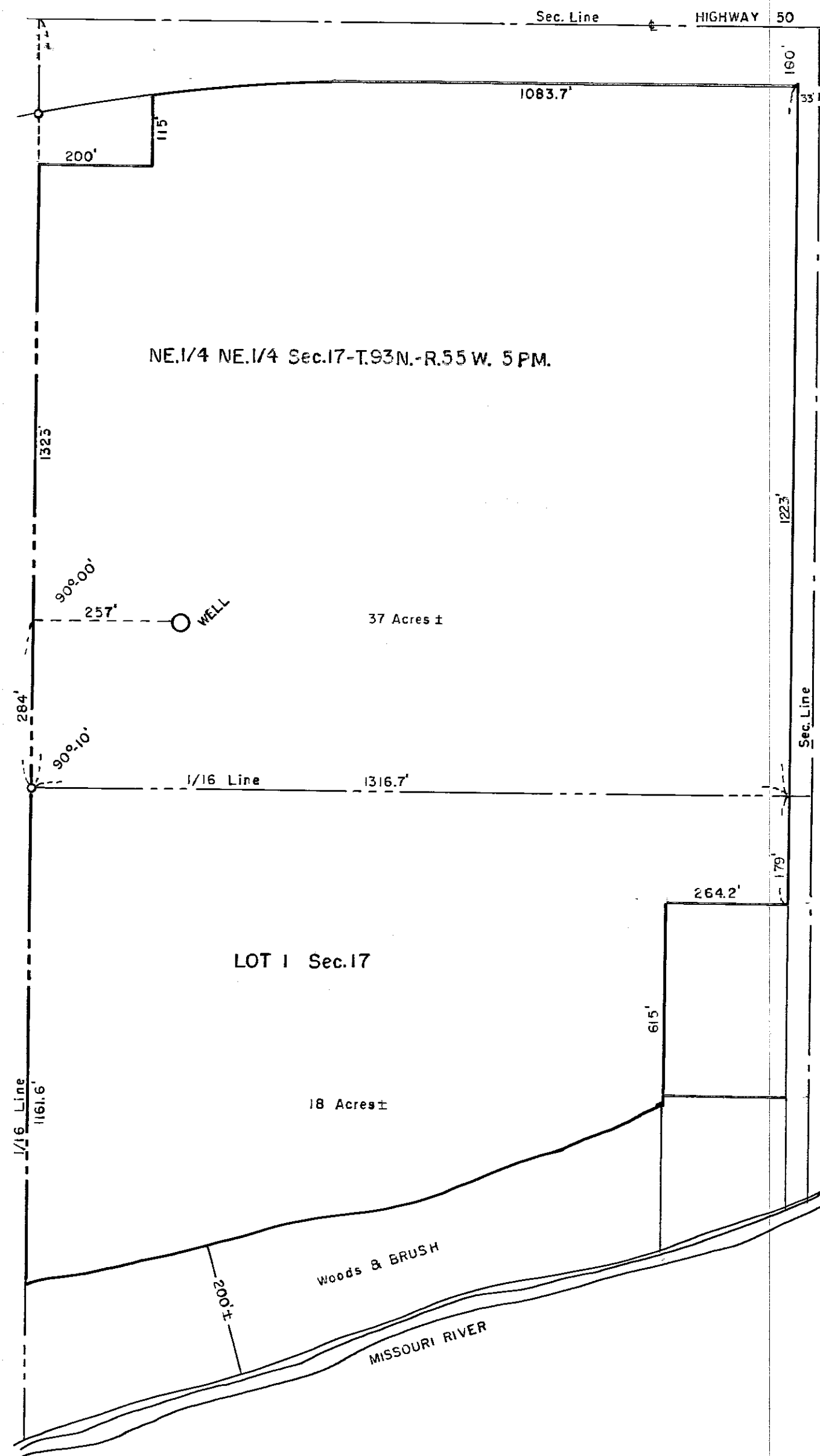
C. Works proposed to apply water to beneficial use.

Sprinkler Pipe--already ownEstimated Total Cost \$5,000.00
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Yankton
 I, Gurney Seed & Nursery Co., Inc., applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and agree to complete the necessary construction.
Subscribed and sworn to before me this 20 day of December, 1972

Notary Public (or other qualified officer)



NOTE. Irons found...O

I, Maurice Diehl, Registered Land Surveyor, have at the direction of THE GURNEY SEED and NURSERY CO. made a survey to locate and plat the WELL to be used as a source of water to sprinkler irrigate the above described by plat the usable acres as shown in the Northeast one-quarter of the Northeast one-quarter and LOT 1 of Section Seventeen Township Ninety-three North Range Fifty-five West of the Fifth principal meridian (NE 1/4 NE 1/4 & LOT 1 Sec. 17-T. 93 N.-R. 55 W. 5 PM.) YANKTON COUNTY STATE of SOUTH DAKOTA. This plat is to the best of my knowledge and belief a true description of said project. I certify that I have executed the above this 3 day of June 1972.

Maurice Diehl
Maurice Diehl Reg. Land Surveyor

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1961-3

GURNAY SEED & NURSERY Co., Inc.
(Applicant)

YANKTON
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

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.

Date of first receipt of application DECEMBER 7 19 72
Date of return to applicant for correction, amendments or changes required DECEMBER 11 19 72
Date of receipt of corrected application FEBRUARY 13 19 73
Approved MARCH 8 19 73 Recorded in Book 12 Page 193

WATER RIGHT PERMIT NO. 1961-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1961-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 13 19 73
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 8 19 73
3. The whole of said work is to be completed on or before MARCH 8 19 74
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 8 19 75
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed .88 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 8 19 75 said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12TH day of MARCH 19 73

WATER RESOURCES COMMISSION

By:

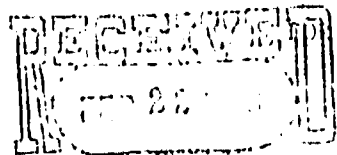
[Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 7 19 74

Water License Issued JUNE 7 19 74

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 49-6-3 AS AMENDED



STATE WATER RESOURCES COMMISSION
FEB 26 1961

FOR COMMISSION USE ONLY

Irrigation System: CK

Water Quality: Good

Soils Capability: Good

Approved: [Signature]

WATER RIGHT APPLICATION NO. 1961-3

NAME: GURNEY SEED & NURSERY CO., INC.

ADDRESS: Yankton, South Dakota 57078

COUNTY: Yankton, South Dakota

LEGAL DESCRIPTION

WELL LOCATION: A point in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$ Sec. 17, T. 93N, R55W

SITE TO BE IRRIGATED: Sec. 17, T. 93N, R55 W. NE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.4 acres
Sec. 17, T. 93N, R55 W. Lot 1 24.4 acres

WATER QUALITY

TEST WELL SAMPLE: 73-041

SALINITY: Electrical Conductivity 2332 micromhos per cm at 25° c.

SODIUM: 18.92% of cations

LAND CAPABILITY FOR IRRIGATION

PERCENTAGE OF SLOPE: 0 to 2%

PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Sandy Loam--permeable

TYPE OF IRRIGATION

GRAVITY: None

SPRINKLER TYPE: Portable Sprinkler Pipe

CROPS TO BE IRRIGATED

Nursery Crops

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired from

Lloyd V. Gehn, Dist. Conservationist, Soil Cons. Serv., Box 17, Yankton, S. Dak.

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Gussey Seed and Manufacturing
Ronald E. Brown

Subscribed and sworn before me this

21st day of February 1975.

John L. Simonson
Notary Public

(Title)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: August Good Incinerator Co., Date Rec'd August 11, 1971
 Address August, Illinois Sample No. 73-041
Yorkton, South Dakota Identification 111-
57006

WATER ANALYSIS

Calcium (Ca)	336	ppm*	16.60	me/l**
Magnesium (Mg)	53	ppm	4.33	me/l
X Sodium (Na)	117	ppm	5.09	me/l
Potassium (K)	26	ppm	0.68	me/l
Sulfate (SO ₄)	1024	ppm	21.32	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	30	ppm	2.24	me/l
Bicarbonate (HCO ₃)	303	ppm	4.96	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)	1060	ppm	62	g.p.g.***
Alkalinity (Methyl Orange)	248	ppm (as CaCO ₃)		
Alkalinity (Phenolphthaleim)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2332	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.57			
Sodium	13.92	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	6.98			
Others:				

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=milliequivalents per liter

COMMENTS: Total cations 26.90 me/l
 Total anions 26.52 me/l

By: Philip L. Litten

Service Performed	Amount Due
Incineration Analysis	4.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-041

Amount Enclosed \$ _____

Signed _____

J. 1961-3

Publish first publication, on or before February 22, 1973

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 16, 1973

Notice is hereby given that Gurney Seed and Nursery Company, Inc.

whose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .88 cubic feet of water per second of time from the ground water through the

Gurney Irrigation Project 47. (seven), the point of diversion of which is to be located in the _____

NE 1/4 NE 1/4

of Section 17, Twp. 93N, Range 55W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 NE 1/4 and Lot 1, Section 17, 193N, R55W

This application No. 1961-3 will be considered by the Water Resources Commission at their office at Pierre upon the 7th day of March, 1973, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Donald L. Kruml, Vice President, Gurney Seed and Nursery Co., Inc., Yankton, S.D. 57078

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBJECT: SOILS

DATE: 1-18-73

TO: Don Ewald
Curran Seed & Nursery Co., Inc.
Vankton, South Dakota

Dear Mr. Ewald:

In regard to the soils information you requested, we do not have
a soil survey of this type and can't get it in the near future,

but the knowledge we have: percentage of slope = 0 to 2% and

physical soil classification for irrigation: Sandy loam - permeable
in nature.

Sincerely,

Flora V. Gahn

Flora V. Gahn
District Conservationist
Soil Conservation Service
Box 17
Vankton, South Dakota

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION
LAW 1-27-48. THIS IS FURTHER CERTIFIED THAT THE MICROPHOTGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A
AND ON MICROFILM WHICH MEETS THE RECOMMENDED REQUIREMENTS OF THE INTERNATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS. REDUCTION 25% ROLL NO 31 4-14-82
DATE MICROFILMED
Don Ewald

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 30", Depth 69'

(2) Casing, Type Transite Diameter 16" Thickness 1/2"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Transite, Diameter 16", Length 40'

(4) Gravel Pack. Thickness 7", Length of gravel pack 20' above screen

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.) (Not Available)

Character of Water bearing materials _____

Sand, Glacial drift

Depth to top of water bearing material 35'

Depth to bottom of water bearing material Still in water bearing material when quit drilling

Thickness of water bearing material

Depth to water (ground surface to water level)

(2) Distance to nearest existing household or livestock watering wells.

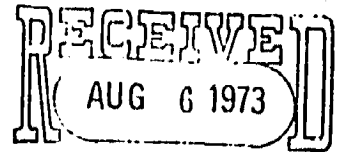
On same owner's property 300 yds. On property owned by others 350 yds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

GURNEY SEED & NURSERY CO., INC.

[Signature]
Signature of Applicant

In 1961-3STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

Post Office Yankton S.DAKDate 8-3-73TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1961-3.

Water Right Permit No. 1961-3 states that the diversion system is to be constructed by March 8, 1974 and that the water is to be put to beneficial use by MARCH 8, 1975.

The diversion system was completed on April 1, 1973. Applying the water to beneficial use was completed on May 1, 1973.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Nirald L. Krumm (V. Pres)
(Signature)
Courtesy Feed & Seed Co. Inc.

Permit No. 1961-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Gurney Seed and Nursery Co., Inc.

_____ the holder _____ of
Permit No. 1961-3, issued upon Application No. 1961-3, bearing date of priority of February 13,
1973 authorizing the diversion of .88 cu. ft. per second of the waters of _____
ground water _____ County of Yankton, State of South Dakota at _____
a point 1040 feet South and 1060 feet West of the NE Corner, Section 17,
T93N, R85W
_____, for irrigation.

_____ purposes, has 8 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 1.5 cu. ft. per second of water.

Date June 7, 1974


WATER RIGHTS COMMISSION

By:

DONALD DRISCOLL, Chief Engineer

WATER LICENSE NO. 1961-3

(1) WHEREAS, On the 7th day of December, A. D. 1972
Gurney Seed and Nursery Co., Inc.

made Water Right Application No. 1961-3 for a permit to use .88 cubic feet per second of the waters
of ground water
County of Yankton, State of South Dakota, for irrigation

purpose: and
(2) WHEREAS, On the 12th day of March, A. D. 1973
Permit No. 1961-3, with a date of priority of February 13, 1973

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 8th day of March, A. D. 1974 and for the
application to beneficial use of said water on or before the 8th day of March, A. D. 1975

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 .88 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 land in Section 17, T93N, R55W

NE 1/4 NE 1/4 37.4 acres

Lot 1 24.4 acres

TOTAL 61.8 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 _____ Gurney Seed and Nursery Co., Inc.

_____ of Yankton

the holder _____ and owner _____ of said permit No. 1961-3 a water right, dating from February 13, 1973

_____ to use of .88 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 hereinbelow mentioned, to be diverted at a point 1040 feet south and 1060 feet West of the NE Corner, Section 17, T93N, R55W

and conduct to and upon portions of Section 17, T93N, R55W, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1961-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of June A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

Permit No. 1961-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

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. 1961-3, bearing date of priority of FEBRUARY 13, 1973
authorizing the diversion of .88 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:

80' DEEP WELL WITH 16" STEEL CASING
BERKELEY 6" PUMP WITH 30 H.P. U.S. ELECTRIC
MOTOR

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

2000' 6" & 5" MAINLINE

C. Works used to apply water to beneficial use.

2500' 4" SPRINKLER LINE WITH RAINBIRD
#30 SPRINKLER HEADS W/ 1/32 NOZZLES

The system is in the following condition: GOODThe point of diversion is located 1040'S & 1060' W OF THE
NE CORNER, SECTION 17, T93N, R55WThe works are capable of diverting and conveying to the place of use 1.5cu. 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 SEC 17, T93N, R55WNE⁴ NE⁴37.4CR 124.4comprising a total of 61.8 acres of land.

Date MAY 8, 1974
Durston J. Jones
(Signature)
WATER RIGHT SPECIALIST
WATER RIGHTS COMMISSION

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

ss.

Colin D. Monfort being first duly sworn says: That he is the Publisher of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned Notice Intent to
Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 21st day of February, 19 73, and the last publication being made on the 23th day of February, 19 73.
The first publication being made on the 21st day of February
The second publication being made on the 23th day of February
The third publication being made on the _____ day of _____
The fourth publication being made on the _____ day of _____
The fifth publication being made on the _____ day of _____
The sixth publication being made on the _____ day of _____
The seventh publication being made on the _____ day of _____
The eighth publication being made on the _____ day of _____
The ninth publication being made on the _____ day of _____
The tenth publication being made on the _____ day of _____
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$ 9.06, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 23th day

of February, 19 73.

Notary Public, South Dakota

NOTICE INTENT TO APPROPRIATE WATER

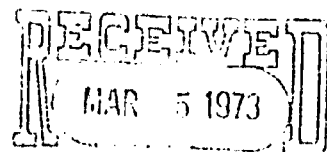
Pierre, South Dakota 57501
February 16, 1973

Notice is hereby given that Gurney Seed and Nursery Company, Inc., whose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .85 cubic feet of water per second of time from ground water through the Gurney Irrigation Project No. 7 (seven), the point of diversion of which is to be located in the NE 1/4 NE 1/4 of Section 17, Twp. 93N, Range 55W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 NE 1/4 and Lot 1, Section 17, T93N, R55W

This application No. 19613 will be considered by the Water Resources Commission at their office at Pierre upon the 7th day of March, 1973, at 2:00 P.M. All interested persons may appear and be heard

WATER RESOURCES
COMMISSION
BURTON F. JONES,
Water Rights Specialist



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Publication Fees \$ _____

Received Payment. _____