Many of you have probably seen the articles in the news lately about the North Dakota lawsuit over selling one of NDSU's protected oat varieties as uncertified. After seeing the headlines it provides the opportunity to review what can and cannot be done with a variety of oats that has Plant Variety Protection (PVP) with title V. PVP is different from patents that occur in soybeans and corn. The patent is much more restrictive than PVP, in that no seed can be saved for planting purposes.

When a variety has PVP with title V it can only be sold as a class of certified seed. A producer who purchases certified seed can save and replant the seed for as long as they wish. The seed produced from fields planted from certified seed cannot be sold, bartered, traded or otherwise moved when the intended use is for seeding by anyone other than the person who produced the crop. This is in direct violation of PVP.

When the production from certified seed is taken to the elevator as grain, sometimes the elevator operator will place it in separate holding because of the quality. If this seed is later sold for seeding purposes as uncertified seed it violates the Federal PVP law, resulting in lawsuits. Often times seed sold in this manner is a mixture of varieties. There are testing procedures currently in use that can determine the identify of a variety or what part of the mixture it makes up. Most of you are familiar with electrophoresis, the test used to determine trueness to variety when you send in small grain samples for certification. This test can determine unknown samples for variety identification. The unknown sample is compared to known varieties for positive identification. If the protein banding pattern of an unknown matches a known variety, positive variety identification has been made.

Why is this important to certified seed certified producers, because every time an illegal seed sale is made it takes a legal sale away from you. It makes the entire certification process more expensive, all of the work and money that you have invested in doing things correctly is negated by illegally sold seed. It also can set back the breeding programs at the university. With each bushel you sell as certified seed there is a royalty or sales fee associated with that sale. The monies that are collected are reinvested into the research/breeding projects or the infrastructure that supports them.

Mark your calendars, the annual Ag Horizons Conference will be held December 3rd and 4th at the Ramkota Convention Center in Pierre SD.

The annual meeting of the South Dakota Crop Improvement Association and Seed Certification Service will be held at 9:00AM on December 3rd. This is a change from previous years where the meeting was conducted in the afternoon. Election results and grower awards will be announced at this time. To register for the event go to www.sdwheat.org or call 605-224-4418
Two Conventional Soybeans Released by SDSU
Codington and Roberts

Codington was developed and released for high yield, large seed with improved seed visual quality suitable for soy food production. The release will not be recommended for PVP. Codington was originally derived from the cross of Surge and an experimental line (A96-591033).

Codington is a conventional variety with a relative maturity of 0.9, high yield, and large seed with improved seed quality. Over multiple years and locations, its average yield was 51-60 bu/ac in regional uniform tests, 1.1-5.4% higher than Surge and 2.7% higher than Sheyenne, and a yield range of 39-60 bu/ac in SD CPT, similar to Surge. At 13% moisture, the protein content was 36.5-38.4%, similar to Surge but 2.3% higher than Sheyenne, and oil content was 17.4-19.6%, similar to both Surge and Sheyenne. The 100-kernel weight was 20.7 g, significantly higher than Surge (19.4 g) and Sheyenne (15.7 g). Codington has an average seed (visual) quality score of 1.5, better than Surge (1.7) and Sheyenne (1.7). Codington matured 110-120 days after planting in South Dakota and 123-131 days after planting in regional trials. It has an average plant height of 33.4 inches and a lodging score of 1.0-2.0.

Roberts was developed and released for high yield, good seed visual quality, and resistance to Phytophthora root and stem rot (*Phytophthora sojae*). Roberts was originally derived from the cross Surge and an experimental line (A96-492041).

Roberts is a conventional variety with a relative maturity of 0.6, high yield, good seed quality, and possesses the resistance *Rps 1k* gene to Phytophthora root and stem rot. The average yield over multiple years and locations was 42-54 bu/ac, 2.2-6.5% higher than Surge and 2.4-4.3% higher than Sheyenne. At 13% moisture, the protein content was 35.1-37.1%, and the oil content averaged 17.9-19.6%. It matured 108-119 days after planting in South Dakota and 116-125 days in the regional tests, about 1-2 days earlier than Surge. On average, it has a 32 inch plant height, 1.0-1.9 lodging score, and 1.6 seed (visual) quality score.

Foundation seed of these varieties will be available from the South Dakota Agricultural Experiment Station, Foundation Seed Stock Division, Box 2207A, South Dakota State University, Brookings, SD 57007, USA. Limited quantities of seed may be obtained for research purpose only from SDSU Soybean Breeding and Genetics Program. There will be a charge for each seed lot to cover costs of seed production and distribution. Application and contribution of the variety to research and breeding should be acknowledged.

Plant Variety Protection will not be applied for on these varieties but there will be a fifty cent per bushel royalty assessed.

Foundation Winter Wheat Sales
Up From 2012, Less than 2011

With the help of late planting season rains and depleted Certified Seed inventories, Foundation Seed sales rebounded to higher levels than 2012, but was still below 2011 sales. The dry early planting season did hamper early seed sales. Overland replaced Ideal as the top selling variety with 5,281 bushel sold. Ideal, a 2011 SDSU release, was the second in sales followed by Expedition, which had similar sales compared to the last two years. Redfield, a Wesley type variety, was next in sales and is the newest SDSU variety. It was released and allocated to Certified Seed Growers in 2013. Wesley and Lyman continued to decline in popularity.

<table>
<thead>
<tr>
<th>HRW Variety</th>
<th>2013 Sales (bushels)</th>
<th>2012 Sales (bushels)</th>
<th>2011 Sales (bushels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overland</td>
<td>5,281</td>
<td>2,183</td>
<td>2,527</td>
</tr>
<tr>
<td>Ideal</td>
<td>1,471</td>
<td>2,202</td>
<td>4,001</td>
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<tr>
<td>Expedition</td>
<td>1,125</td>
<td>1,077</td>
<td>977</td>
</tr>
<tr>
<td>Redfield (New in 2013)</td>
<td>1,123</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lyman</td>
<td>193</td>
<td>582</td>
<td>471</td>
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<tr>
<td>Wesley</td>
<td>94</td>
<td>879</td>
<td>1,587</td>
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<tr>
<td>Other Varieties</td>
<td>0</td>
<td>746</td>
<td>696</td>
</tr>
<tr>
<td>Totals</td>
<td>9,287</td>
<td>7,669</td>
<td>10,259</td>
</tr>
</tbody>
</table>
Tentative 2013 Ag Horizons Agenda

Tuesday, December 3, 2013

9:00 – 9:50  Association Meetings - SD Pulse Grower, SD Seed Trade, SD Wheat, SD Crop Improvement

9:50 – 10:00  Welcome - Deputy of Agriculture, Trudy Wastweet

10:00 – 10:50  General Session
GMO's What Have We Learned
NAWG, US Wheat, Monsanto panel speakers
**Breakout** – What Women & Couples Should Know About Money! Dr. Harold Wong

11:00 – 11:50  Breakout Sessions
Mother Nature vs. Ag Production – Dennis Todey *
Utilizing Web Soil Survey – Jason Miller*
SDSU Soil Fertility Recommendations, Ron Gelderman *
Viable Corn Populations – Kyle Gustafson*

Luncheon Speaker – The Gift of Laughter – Comedian Wanda Blair

1:00 – 1:50  General Session - Dollars & Sense Out of Dollars & Cents? Mike Hechtner, Co-Bank Economist

2:00 – 2:50  Breakouts
Variety/Hybrid Selection: Eliminate Emotion & Increase Profitability, Jason Mueller *
News Worthy Bug-bits of 2013, Ada Szczepainiec *
Water Management for Crop Production & Water Quality, Christopher Hay *

3:00 – 3:50  General Session
2014 Legislative Panel – Property Tax, Watershed, Wheat Check-off
**Breakout** – Secret Advanced Tax Strategies, Dr. Harold Wong

4:00 – 4:50  Breakouts
Combine Fires: Reducing the Threat, Dr. Dan Humburg* 
Plant Variety Protection vs. Patents, Brent Turnipseed *
What Can I Spray? Disease Management for Less Spray, Emmanuel Byamukama *
Biofortification of Pulse Crops for Better Human Health, Dr. Dil Thavarajah*

5:00 – 9:00 Social, Auction, Italian Extravaganza, Hypnotist Kellen Marson

Tuesday, December 4, 2013

9:00 – 9:50  General Session
Pheasants, Weeds and Bugs, Dwayne Beck, Dakota Lakes Research*
**Breakout** Secure Your Financial Future: Lessons from Warren Buffett, Dr. Harold Wong

10:00 – 10:50  Breakouts
Variety/Hybrid Selection: Eliminate Emotion & Increase Profitability, Nathan Mueller *
Crop Marketing Outlook and Risks, Lisa Elliot*
New Energy Feedstock: Grow Jet fuel on the Farm: Brassica Carinata, Daryl Males*
News Worthy Bug-bits of 2013, Ada Szczepainiec *

11:00 – 11:50  Breakouts
Mother Nature vs. Ag Production, Dennis Todey *
SDSU Soil Fertility Recommendations, Ron Gelderman *
Viable Corn Populations – Kyle Gustafson*
What Can I Spray? Disease Management for Less Spray, Emmanuel Byamukama *

Luncheon Speaker – Kevin Kephart – Edgar S. McFadden: Hope Inspired
* Continuing Education Units (CEU’s) for the Certified Crop Advisor Program and pending
OFFICIAL NOTICE

This edition of SDSU Seed News will serve as your official notice of the SDCIA Annual Membership Meeting. The meeting will be held Tuesday, December 3rd at 9:00AM at the RamKota Convention Center in Pierre, SD. Election results of board members from the West District, At-Large-Position and Premier Seed Grower will be announced at the annual meeting. If you have any questions please call the SDCIA office. 605-688-4604.