

WATER PERMIT NO. 7398-3

Name of Applicant: **Frank T Kralicek**

Address: **43792 306th St, Yankton SD 57078**

Phone: **605 660-2113**

Amount of Water Claimed: **1.56 cfs**

Total Acres: **113.39**

Source of Water Supply: **Groundwater (one well)**

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **5 miles northwest of Yankton**

PRIORITY

Date Received: **7-30-12**

Application/License Fee: **\$ 950.00**

Corrected Application Received: **8/14/12** Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **SE ¼ Sec 15-T94N-R56W**

Land to be Irrigated: **SE ¼ Sec 15-T94N-R56W**

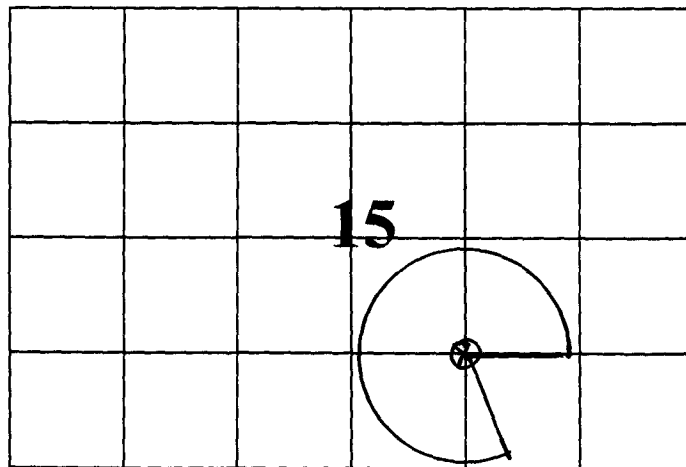
Depth of Well: **248 feet deep**

Well Driller: **Hammond-Wetmore Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Mark Banner, NRCS**



Reviewed and the Number Assigned on: **8-17-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7398-3</u> (office use only)	Hydrologic Unit <u>10160001</u>
	Basin <u>James River</u>	
	Newspaper <u>Press & Dakotan</u> <u>Yankton</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant Frank T Kralicek Phone 605-665-6607
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 43792 306th St. Yankton SD 57078
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.56*CFS or 700**GPM ***AF Total Acreage 114
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply groundwater
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County _____
approximate Center: SE 1/4 Sec 15 T94N R56W
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used April - Sept 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

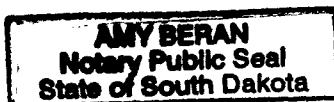
Land Description	Acres	Land Description	Acres
<u>15.94-56 SE 1/4</u>	<u>114</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA)

County of Yankton) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Frank T Kralicek, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Applicant's signature Frank T KralicekSubscribed and sworn to before me this 9th day of August 20 12my commission expires: 7-13-2016Notary Public signature Amy Beran

SOUTH DAKOTA
WATER PERMIT NO. 7398-3

Date of first receipt of application July 30, 2012.

Date of return to applicant for corrections, amendments or changes July 31, 2012.

Date of receipt of corrected application August 16, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7398-3 to Frank T Kralicek, 43792 306th St, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7398-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Lower James:MissouriAquifer (248 feet deep) located in the approximate center of the SE 1/4 Section 15 to irrigate 114 acres located in the SE 1/4 Section 15; all in T94N-R56W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is July 30, 2012.
4. The date of approval of Permit No. 7398-3 is November 12, 2012.
5. One-fifth of the construction is to be completed on or before May 12, 2015.
6. All construction is to be completed on or before November 12, 2017.
7. Water is to be put to beneficial use on or before November 12, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7398-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

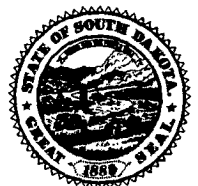
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 12 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 248'
- b) Casing Type PVC Diameter 12" Thickness SDR 21
- c) Screen Type PVC Diameter 12" Thickness SDR 21
- d) Gravel Pack 1/8-1/4" Gravel Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 180'
- f) Depth to Water (ground surface to water level) 165'
- g) Distance to nearest existing domestic well:

On applicant's property 71300

On property owned by others 2500'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

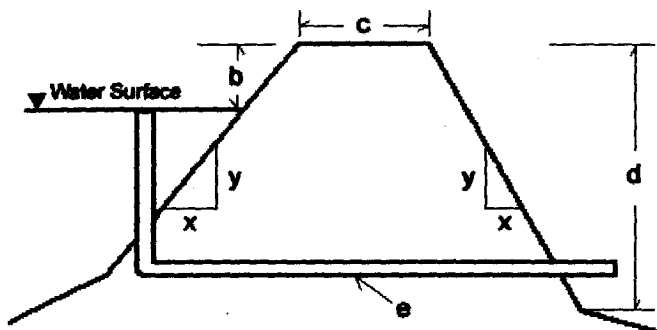
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



United States Department of Agriculture
Farm Service Agency

February 11, 2011

PLSS: 15_94_56
Farm: 782

Yankton County, SD
1:8,288



Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

Common Land Units

2010 Ortho-Photography - Not to Scale

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Petersen Ag Systems, Inc.

AUG 13 2012



301 W. South St.
Hartington, NE 68739
402-254-9557 office

**Farm: Home Place**

Grower: Frank Kralicek

8/4/2012

Systems:	Length	Spans	Total area including endgun
● Pivot 1	1303.67 ft	7 spans + 44 ft o.h.	113.39 acres





Pivot 1

Pivot Area: **105.25** acres
 Endgun Area: **8.15** acres
 Total Area: **113.39** acres

System Length: **1303.67** ft
 # of Spans: **7 + overhang**
 Deg. of Sweep: **309.1°**
 Endgun Throw: **100.0** ft

Color on map:



Spans

# of Spans: 7	Span 1 (180.2)	Span 2 (359.1)	Span 3 (538.0)	Span 4 (716.9)	Span 5 (895.8)	Span 6 (1074.8)	Span 7 (1253.7)	Overhang (1303.7)
Length:	179	179	179	179	179	179	179	44 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas

Endgun 1: (Throw = 100.0 ft)

# of Areas: 4	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	155.3° / 158.7°	1.3° / 4.7°	42° 57' 9.696" -97° 26' 24.148"	42° 57' 9.404" -97° 26' 25.083"	0.18
Area 2	202.1° / 250.1°	48.1° / 96.1°	42° 57' 9.468" -97° 26' 38.056"	42° 57' 17.026" -97° 26' 47.952"	2.61
Area 3	290.0° / 339.7°	136.0° / 185.7°	42° 57' 25.806" -97° 26' 47.938"	42° 57' 33.480" -97° 26' 37.547"	2.70
Area 4	19.5° / 68.6°	225.5° / 274.6°	42° 57' 33.544" -97° 26' 25.616"	42° 57' 26.095" -97° 26' 15.132"	2.67

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WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/16, 20 12

RECEIVED OF Frank T Kralicek 30612 438th Ave Yankton SD 57078

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>7398-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
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. <u>7398-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. 05533

By

[Signature]
Chief Engineer

Water Rights Program - File Documentation

NAME: Frank T Kralicek

ADDRESS: Yankton SD

DATE: 8-17-12 COUNTY: YA TELEPHONE: 605 660-2113

RE: Pending Application

COMMENTS:

I called Frank Kralicek regarding his application for irrigation in the SE ¼ Sec 15-T94N-R56W. Mr. Kralicek stated he would like to request **700 gallons per minute** on this application.

Karen Schlaak

Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7398-3, Frank T Kralicek**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7398-3, Frank T Kralicek, 43792 306th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7398-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7398-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 24, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7397-3 AND 7398-3
FRANK T. KRALICEK
OCTOBER 24, 2012

Water Permit Application No. 7397-3 proposes to appropriate 498 acre-feet (ac-ft.) of water annually at a maximum diversion rate of 1.56 cubic feet per second (cfs) from an existing well completed into the Lower James Missouri aquifer. The well is 248 feet deep and is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T94N-R56W. The permit application proposes to irrigate 249 acres in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 14 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23; all in T94N-R56W in Yankton County.

Water Permit Application No. 7398-3 proposes to appropriate 228 acre-feet (ac-ft.) of water annually at a maximum diversion rate of 1.56 cubic feet per second (cfs) from one well to be completed into the Lower James Missouri aquifer. The well is expected to be 248 feet deep and is expected to be located in the approximate center of the SE $\frac{1}{4}$ Section 15, T94N-R56W. This permit application proposes to irrigate 114 acres located in the SE $\frac{1}{4}$ of Section 15, T94N-R56W on Yankton County.

AQUIFER: Lower James Missouri (LJM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower James Missouri aquifer is composed of buried outwash (sand and gravel) that can generally be encountered under confined conditions in Yankton County (Bugliosi, 1986). The proposed locations for the wells are probably under artesian conditions. The Lower James Missouri aquifer underlies approximately 238 square miles of Yankton County and extends into Clay County to the east, Hutchinson County to the north, and west into Bon Homme County (Bugliosi, 1986). The aquifer is hydraulically connected to the Missouri and James Rivers. The aquifer was divided into northern and southern areas by Bugliosi (1986), based on different depositional episodes. These areas roughly coincide with the Lower James Missouri and the Missouri: Elk Point as described by Hedges and others (1982). The Lower James Missouri aquifer underlies approximately 92,500 acres and contains an estimated 2.08 million ac-ft. of recoverable water in storage in Yankton County (Hedges et.al, 1982). Well completion reports (Water Rights, 2012c) and lithologic logs (SDGS, 2012) indicate that in the area of these applications the Lower James Missouri can be encountered between 150 and 200 feet below grade and may be up to 100 feet thick. These applications are near the western edge of the Lower James Missouri aquifer.

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of exiting rights.

WATER AVAILABILITY:

Water Permit Application Nos. 7397-3 and 7398-3 proposed to appropriate 498 ac-ft. and 228 ac-ft. of water annually from the Lower James Missouri aquifer, respectively. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Withdrawals:**Recharge:**

Recharge to the Lower James Missouri aquifer is through seepage from streams and by infiltration of precipitation (Bugliosi, 1986). The average annual recharge rate to the Lower James Missouri, as calculated by Hedges and others (1985) using a regional flow-net analysis, is 1.5 inches per year (in/yr.). Using Hedges (1985) 1.5 in/yr. recharge rate, the average annual recharge to the aquifer is 11,562.5 ac-ft. in Yankton County.

Withdrawals:

There are 59 water rights/permits appropriating water from the Lower James Missouri aquifer in Yankton County. There are two water rights appropriating water for commercial purposes, one water right is appropriating water for industrial purposes, one water permit is appropriating water for geothermal heating purposes and the remainder of the water rights/permits are appropriating water for irrigation. The estimated average annual withdrawal from the aquifer by the non-irrigation appropriations is 843.1 ac-ft/yr. This estimation assumes water is being withdrawn from the aquifer 14.4 hours (60 percent) per day for the non-irrigation appropriations. Water use from the Lower James Missouri aquifer in Yankton County as reported to the SD DENR-Water Rights Program through annual irrigation questionnaires is shown in table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	54	17426.1	2628.9
2010	50	15790.1	494.2
2009	49	15510.1	905.6
2008	46	14446.7	2836.7
2007	33	10586.7	2376.2
2006	30	9696.1	2175.0
2005	30	9762.1	1800.6
2004	29	9442.1	1596.6
2003	29	9432.1	1450.9
2002	30	9807.1	2124.4
2001	29	9877.1	1553.8
2000	29	9877.1	2085.6
1999	25	8459.1	1048.5
1998	28	9258.1	955.6
1997	28	9735.1	1010.0
1996	27	9701.1	1177.0
1995	24	8694.1	796.1
1994	28	10670.1	1128.3
1993	30	11110.1	219.8
1992	31	12070.1	873.0
1991	28	11168.1	1996.0
1990	28	11168.1	2419.1
1989	25	9704.1	1881.8
1988	23	9362.1	2044.8
1987	23	9362.1	795.6
1986	23	9362.1	747.6
1985	22	8452.1	1146.0
1984	23	10702.1	981.0
1983	22	8302.1	1091.7
1982	20	7896.1	1056.3
1981	23	11200.0	1610.0
1980	20	10148.0	1299.0
1979	19	9852.0	588.0
Min	19	7896.1	219.8
Max	54	17426.1	2836.7
Avg.	29.0	10546.4	1421.0

Table 1- Water use by irrigation from the Lower James Missouri aquifer in Yankton County (Water Rights, 1979-2012).

Comparing the average annual recharge calculated by Hedges (1985), 11,562.5 ac-ft, to the estimated average annual withdrawal from the aquifer, 2,264.1 ac-ft, the difference is 9,298.4 ac-ft in Yankton County. Therefore there is a reasonable probability that there is unappropriated water available from the Lower James Missouri aquifer for the proposed appropriations of 498 ac-ft and 228 ac-ft for Water Permit Application Nos. 7397-3 and 7398-3, respectively.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 31 observation wells completed into the Lower James Missouri aquifer, 20 of the observation wells are located in Yankton County (Water Rights, 2012a). The nearest of the observation wells are, YA-78G, 0.25 miles south, and, YA-78H, two miles east of the proposed well locations. The water levels rise (recharge) during wet years and gradually decline during dry years. The effects of pumping are not evident for most of the period of record. Therefore, natural recharge to and discharge from the Lower James Missouri aquifer greatly exceeds the temporal effects of pumping. There are four irrigation wells and five domestic wells within two miles of YA-78G, and seven irrigation wells and nine domestic wells within two miles of YA-78H, on record with the DENR-Water Rights Program. Drawdown created by pumping from the wells that would be authorized by these applications will most likely not be adverse at these distances. Figures 1 and 2 show the hydrographs for observation wells YA-78G and YA-78H, respectively.

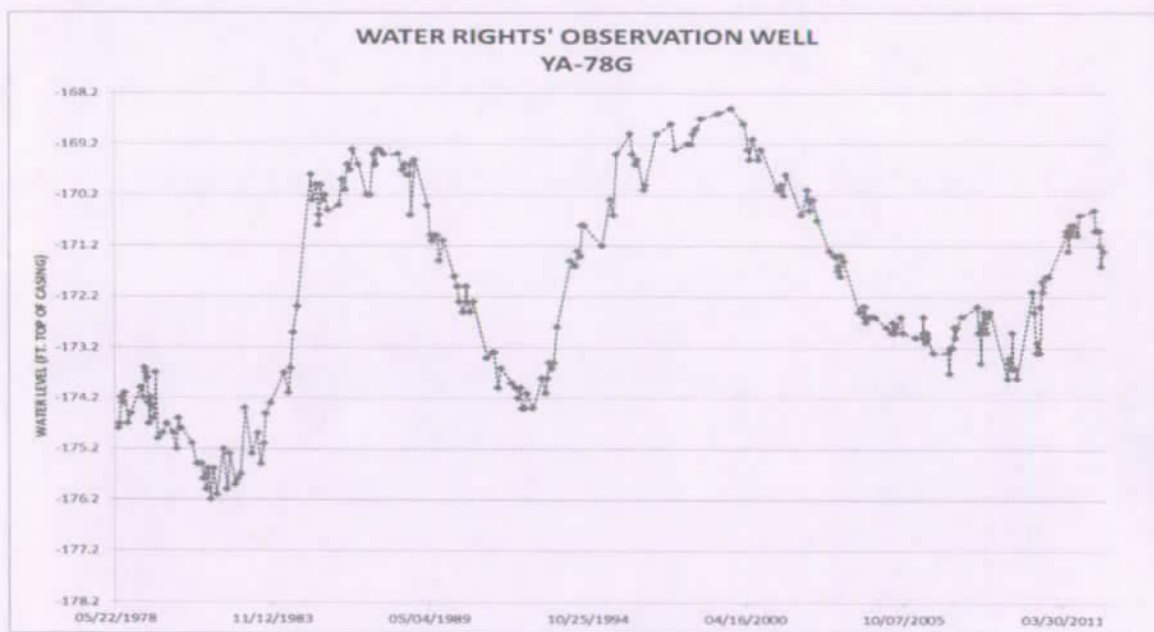


Figure 1- Hydrograph of observation well YA-78G (Water Rights, 2012a).

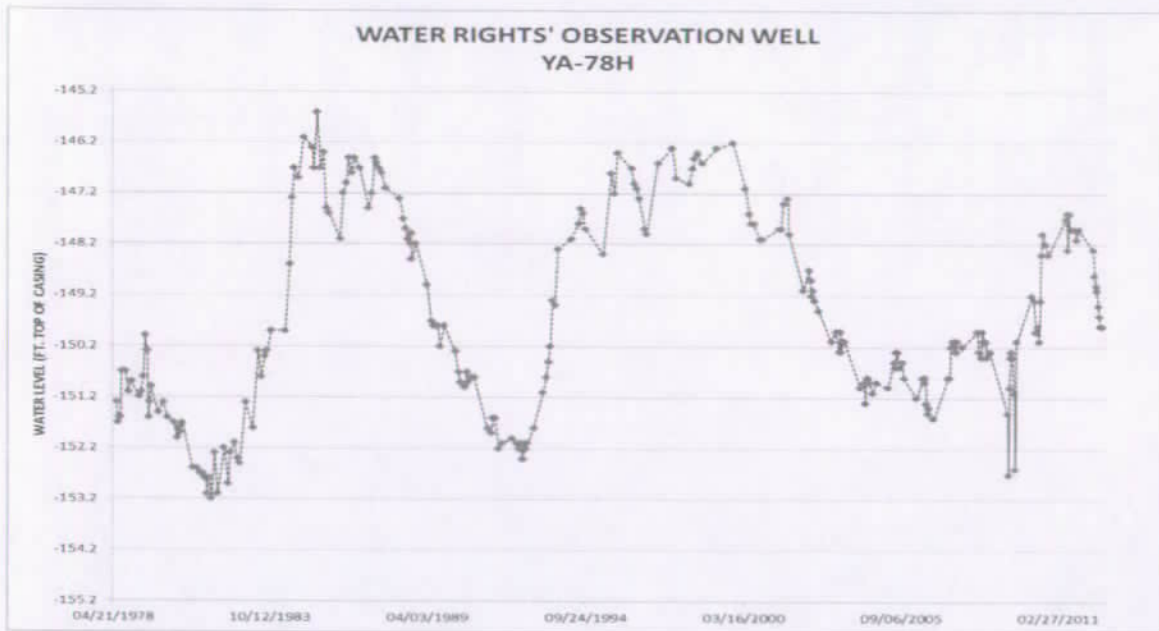


Figure 2- Hydrograph of observation well YA-78H (Water Rights, 2012a).

EXISTING WATER RIGHTS:

There are four wells authorized by six water rights/permits appropriating water, and five domestic well within two miles of the proposed well locations, on record with the DENR-Water Rights Program. Table 2 shows the water rights/permits appropriating water from the Lower James Missouri aquifer within two miles of the well locations proposed by Water Permit Application Nos. 7397-3 and 7398-3. Only one water right, 7102-3, is within one mile of the proposed well locations. Based on the lack of drawdown as shown by the observation well hydrographs, figures 1 and 2, interference should not be an issue if these applications, 7397-3 and 7398-3, are approved.

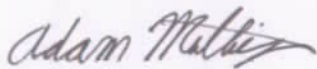
Permit No.	Name	Status	Use	CFS	Acres
6264-3	Yankton Land & Cattle Co.	LC	COM	0.56	N/A
6483-3	Willard Schmidt	LC	IRR	1.56	120
7102-3	Gary Cwach	PE	IRR	2.11	240
7103-3	Gary Cwach	PE	IRR	2.11	96
7202-3	Willard Schmidt	PE	IRR	add'l ac. to 6483-3	40
7253-3	Willard Schmidt	PE	IRR	add'l ac. to 6483-3	68

LC= Water Right, PE= Water Permit, Com= Commercial, IRR= Irrigation, N/A= Not Applicable

Table 2- Water Rights/Permits within two miles of the well locations proposed by Water Permit Application Nos. 6397-3 and 6398-3 (Water Rights, 2012b).

CONCLUSIONS:

1. Water Permit Application No. 7397-3 proposes to appropriate 498 ac-ft annually at a maximum diversion rate of 1.56 cfs from the Lower James Missouri aquifer for the irrigation of 249 acres in Sections 14 and 23; all in T94N-R56W in Yankton County.
2. Water Permit Application No. 7398-3 proposes to appropriate 228 ac-ft annually at a maximum diversion rate of 1.56 cfs from the Lower James Missouri aquifer for the irrigation of 114 acres in Section 15; all in T94N-R56W in Yankton County.
3. There is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply these proposed diversions.
4. There is a reasonable probability that the diversion rate requested by each of the applications can be made without adversely impacting existing water rights/permits.



Adam Mathiowetz
Natural Resources Engineer

REFERENCES:

- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 84-4241.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S. J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- SDGS. 2012. Lithologic Logs Database. < <http://sddenr.net/lithdb/>>. SD DENR-Geological Survey, Vermillion, SD.
- Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer and County": SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

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YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Application Nos. 7397-3 & 7398-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 1st DAY OF November 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$30.45 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 11/1/2012

FILED ON: 11/2/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF November 2012

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____

NOTICE OF APPLICATION
NOS. 7397-3 and 7398-3 to
Appropriate Water

Notice is given that Frank T Kralicek, 43792 306th St, Yankton SD 57078 has filed the following applications for a water permit.

Application No. 7397-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (248 feet deep) located in SW 1/4 SW 1/4 Section 14 for irrigation of 249 acres located in the SW 1/4, W 1/2 SE 1/4 Section 14 and N 1/2 NW 1/4 Section 23; all in T94N-R56W.

Application No. 7398-3 proposes to appropriate 1.56 cfs from one well to be completed into the Lower James:Missouri Aquifer (248 feet deep) located in the approximate center of the SE 1/4 Section 15 to irrigate 114 acres located in the SE 1/4 Section 15; all in T94N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7397-3 and 7398-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 12, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2012

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7397-3 and 7398-3 to Appropriate Water. Please publish the notice once on November 1, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Frank T Kralicek, 43792 306th St., Yankton SD 57078 (Ph # 605-665-6607 or 605-660-2113).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
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NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

October 25, 2012

Frank T Kralicek
43792 306th St
Yankton SD 57078

Dear Mr. Kralicek:

Water Permit Application Nos. 7397-3 and 7398-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,


Eric Gronlund

Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.

Instruction to Newspaper - Publish the Notice on November 1, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7397-3 and 7398-3 to Appropriate Water

Notice is given that Frank T Kralicek, 43792 306th St, Yankton SD 57078 has filed the following applications for a water permit.

Application No. 7397-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (248 feet deep) located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14 for irrigation of 249 acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 14 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23; all in T94N-R56W.

Application No. 7398-3 proposes to appropriate 1.56 cfs from one well to be completed into the Lower James:MissouriAquifer (248 feet deep) located in the approximate center of the SE $\frac{1}{4}$ Section 15 to irrigate 114 acres located in the SE $\frac{1}{4}$ Section 15; all in T94N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7397-3 and 7398-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 12, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



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denr.sd.gov

DEC 12 2012

Frank T Kralicek
43792 306th St
Yankton SD 57078

Dear Mr. Kralicek:

Enclosed are Water Permit Nos. 7397-3 & 7398-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

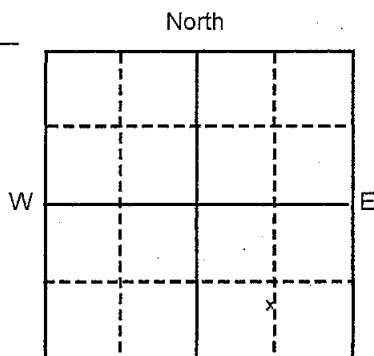
Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location sw 1/4 se 1/4 Sec 15 Twp 94n Rg 56wCounty YanktonPlease mark well
location with an "X"

Well Completion Date

9/22/12

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

1,500.0 ft. from feed lot (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	12.00 IN	0.0 FT	189.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bentonite	24	Lb/gal	0.0 Ft	180.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 60.0 FeetMaterial pvcSlot Size .060 Set From 189.0 Feet to 249.0 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?

☒ No, Why Not? NA
Lab to which water
quality sample sent for analysisWell Owner: Frank Kralicek

Business Name:

Address: 43792 306th StreetCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, brown, silty, pebbly, till	0	34
Clay, gray, silty, pebbly, Till	34	155
Clay, gray, silty, pebbly, till	155	185
gravel, medium, sandy	185	252
claystone, gray, silty	252	270

STATIC WATER LEVEL 181.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: air lift development, 5 hours
☐ Bailed
☒ Other

Pumping Level Below Land Surface

192.0 Ft. After 3.0 Hrs. pumped 710.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 640.0 GPM

REMARKS

RECEIVED

FEB - 1 2013

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

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-12-12



7398-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 24, 2014

NOTICE

TO: FRANK KRALICEK, 43792 306TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7397-3 & 7398-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7397-3 & 7398-3 qualification:

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

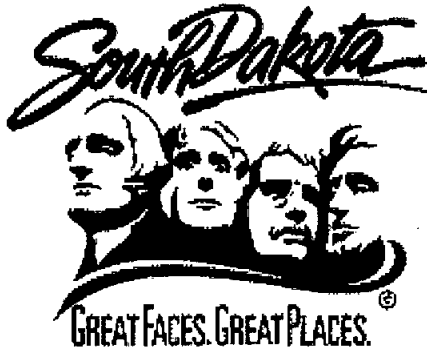
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 7397-3 & 7398-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 on/or before **March 3, 2014**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.denr.sd.gov

February 5, 2014

7397-3
7398-3

Frank Kralicek
43792 306th St
Yankton SD 57078

Dear Mr. Kralicek:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit Nos. 7397-3 and 7398-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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



7398-3
DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

January 15, 2016

NOTICE

TO: FRANK KRALICEK, 43792 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 Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7397-3 & 7398-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7397-3 & 7398-3 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) 7397-3 & 7398-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 3, 2016

7397-3
7398-3

Frank Kralicek
43792 306th St
Yankton SD 57078

Dear Mr. Kralicek:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 7397-3 and 7398-3. 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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7398-3**

I have this day, February 7, 2020, made a thorough examination of the water use system constructed by Frank T. Kralicek, 43792 306th St., Yankton, SD 57078, holder of Permit No. 7398-3, bearing the priority of July 30, 2012 authorizing the diversion of 1.56 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 114 acres located in Yankton County.

Inspection contact: Frank Kralicek, Jr.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 249 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 189 feet
- 3) Type PVC

Screen:

- 1) Diameter 12 inches
- 2) Length 60 feet
- 3) Type PVC
- 4) Static water level 181 feet

Pump:

- 1) Make Grundfos
- 2) Model 6255600-3
- 3) Capacity 625 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. NA
- 3) Horsepower rating 75 hp

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

- 1) Type Galvanized
- 2) Size 8 inches
- 3) Length 10 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make Zimmatic
- 2) Overall length 1,300 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 625 GPM

Chemigation Equipment: None

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:

The well is 1,330 feet west and 1,340 feet north of the southeast corner of Section 15-T94N-R56W (Latitude 42.956060, Longitude -97.442090 – NW1/4 of the SE1/4).

2. The works are capable of diverting and conveying to the place of use 1.39 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows, all in Section 15-T94N-R56W:

NW1/4SE1/4	34 acres
NE1/4SE1/4	34 acres
SW1/4SE1/4	31 acres
SE1/4SE1/4	4 acres

comprising a total of 103 acres of land and the license should be issued for 1.39 cfs.

3. All structures, wells and lands on map Yes

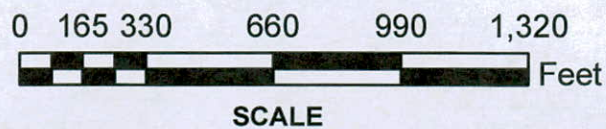
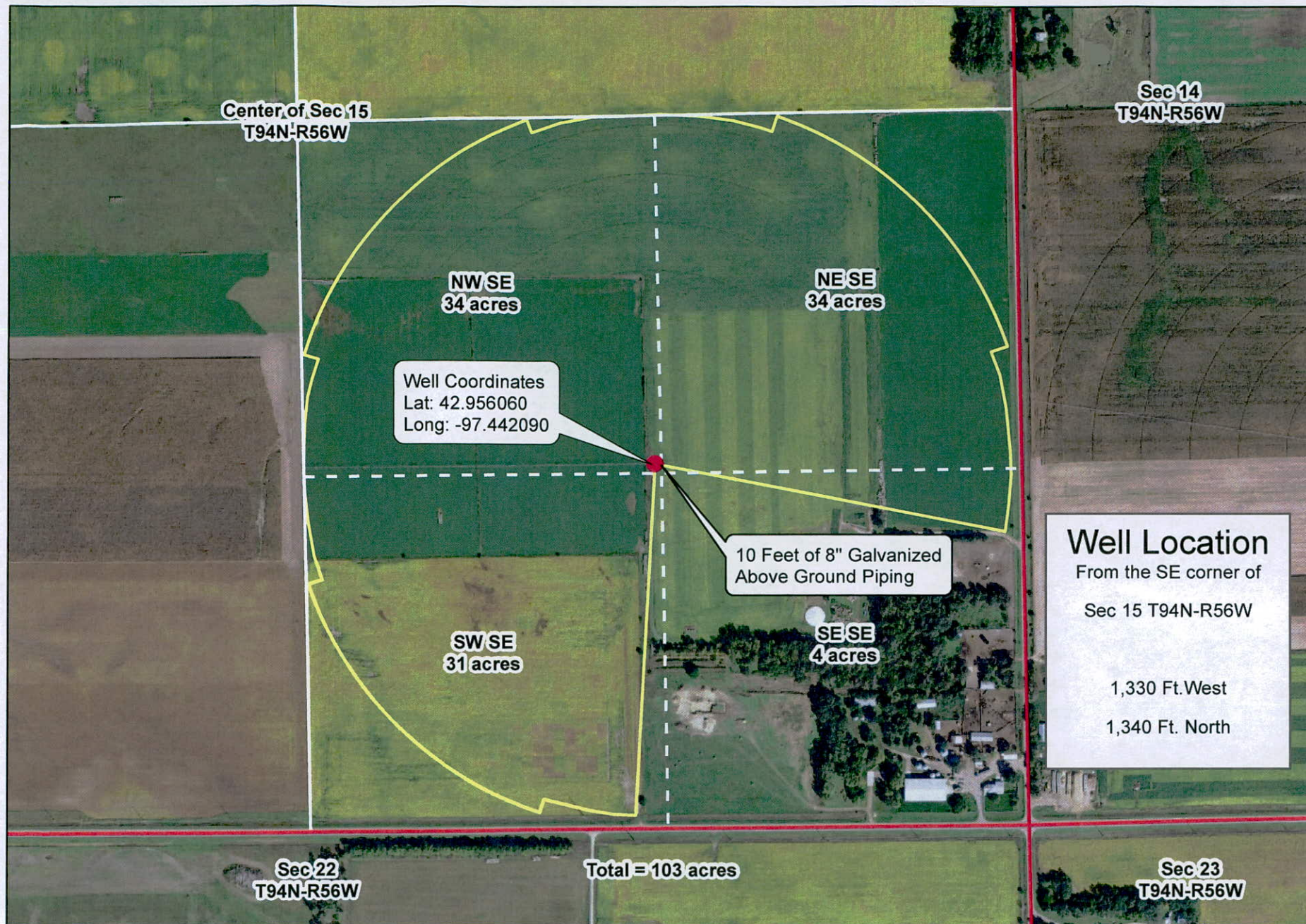
F. Comments or other permit(s) associated with the project: None

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: February 14, 2020

Water Right No. 7398-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
February 14, 2020



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 28 2020

7398-3

Frank T Kralicek
43792 306th St
Yankton SD 57078

Dear Mr. Kralicek:

Enclosed is Water License No. 7398-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7398-3**

(1) Frank T Kralicek, 43792 306th St, Yankton SD 57078 made Application No. 7398-3, July 30, 2012 for a water permit to divert 1.56 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7398-3, with a priority date of July 30, 2012 was approved November 12, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 12, 2017 and for the application to beneficial use of water on or before November 12, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.39 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,330' W and 1,340' N of the SE corner of Section 15, T94N, R56W (approximate center of the SE ¼)
Latitude 42.956060, Longitude -97.442090

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T94N, R56W Section 15	NW ¼ SE ¼	34 acres
	NE ¼ SE ¼	34 acres
	SW ¼ SE ¼	31 acres
	SE ¼ SE ¼	4 acres
Total		103 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Frank T Kralicek, 43792 306th St, Yankton SD 57078 the holder and/or owner of Water Right No. 7398-3 is issued a license to appropriate water, the right to use 1.39 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of July 30, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7398-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7398-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in September, 2012 by Hammond Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 28 2020

date

