

WATER PERMIT NO. 1996-1

Name of Applicant: Dylan Gingras

Address: 13182 Rodayo Dr, Piedmont SD 57769

Phone: 605 269-1322

Amount of Water Claimed: 0.133 cfs

Total Acres: NA

Source of Water Supply: 1 well

Water to be used for: water distribution system

County: Meade

Type of Waste Disposal System:

Location: 13 miles east of Piedmont

PRIORITY Date Received: 4-14-20

Application/License Fee: \$ 700

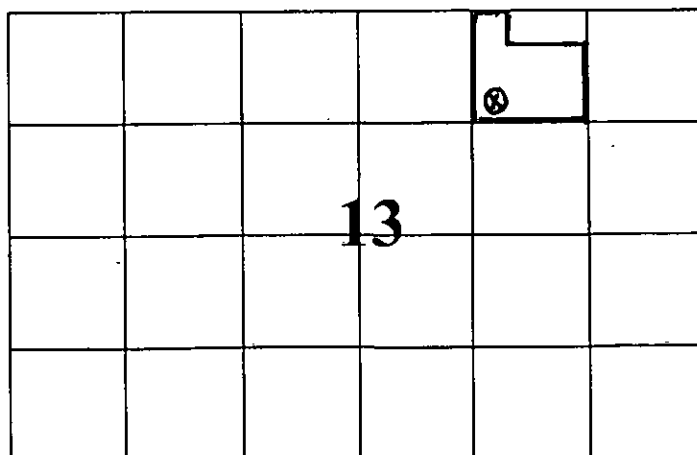
Corrected Application Received: 4-20-20

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NE 1/4 NE 1/4 Sec 13-T3N-R6E

Area to be served: NE 1/4 NE 1/4 Sec 13-T3N-R6E



Depth of Well: 360 feet deep

Well Driller: Dakota Geo

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-21-20

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA WATER PERMIT NO. 1996-1

Date of first receipt of application April 14, 2020.

Date of return to applicant for corrections, amendments or changes April 15, 2020.

Date of receipt of corrected application April 21, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1996-1 to Dylan Gingras, 13182 Rodayo Dr, Piedmont SD 57769 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. 1996-1 appropriates 48 acre-feet of water annually at a maximum pump rate of 0.133 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (360 feet deep) located in the NE 1/4 NE 1/4 Section 13-T3N-R6E for a water distribution system located in the same area described above. This site is located approximately 1.3 miles east of Summerset SD.
2. The water appropriated shall be used for the purpose of a water distribution system and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 -- December 31.
4. The date of approval of Permit No. 1996-1 is July 6, 2020.
5. The date from which applicant may claim right is April 14, 2020.
6. One-fifth of the construction is to be completed on or before January 6, 2023.
7. All construction is to be completed on or before July 6, 2025.
8. Water is to be put to beneficial use on or before July 6, 2029.
9. 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. 1996-1 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
4. Water Permit No. 1996-1 authorizes a total annual diversion of 48.0 acre feet of water.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 24 2020

date



(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1996-1</u> (office use only) Hydrologic Unit <u>10/2011</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Faith Independent</u>
	<u>Rapid City Journal</u>

PAID

APR 14 2020

Ck# 992160

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☒ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☒ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: (check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

1. Name to Appear on Water Permit DDG LLC Dylan Gingras

Mailing Address 13182 Rodaro Dr Piedmont SD 57769
 (Address) (City) (State) (Zip Code)
 Phone Dave - 6054316883 Mobile Dylan 605 269 1322 Email grasshopper582@hotmail.com

2. Amount of water claimed 0.133 *CFS or 60 **GPM and 48 ***AF or _____ Gallons
 Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Inya Kara Well

4. Location of point of diversion NE 1/4 of NE 1/4 of Section 13 - T3N-R6E County Meade
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? NE 1/4 NE 1/4 Sec 13-T3N-R6E
 (example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Meade6. Annual period during which water is to be used Year long use Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Supply water to newly developed property, consisting of 4 three acre lots, and one 12 acre lot.

RECEIVED

APR 14 2020

WATER RIGHTS
PROGRAM

I, Dave or Dylan Gingras Dylan Manager _____, the applicant, certify under
 Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Dakota Geo

For either Existing or Proposed Wells:

c) Well Depth (required) 360' Depth to Top of Water Bearing Material 320' Depth to Water from Surface 24'd) Distance to nearest domestic well on applicant's property 800' Property owned by others 1020'**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) Septic Tankb) System Capacity (gallons) 1800 gal. Year Constructed Future

c) Connected to the City of _____ Sanitary System

3. Dugout Informationa) Surface Dimensions N/A 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)

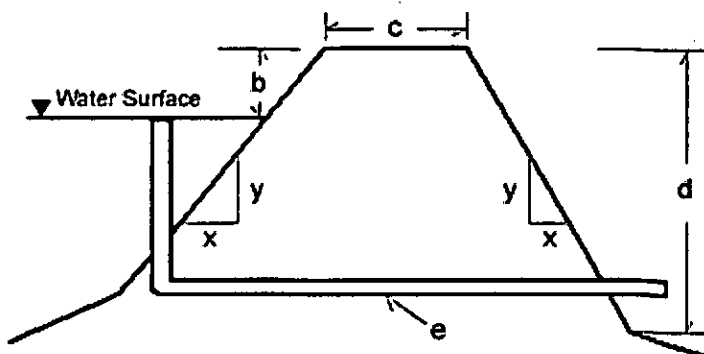
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

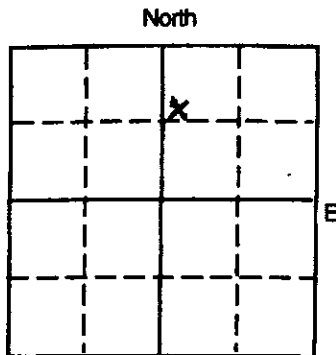


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location E 1/2 NE 1/4 Sec 13 Twp 3-N Rg 6ECounty Meade

Please mark well location with an "X"

Well completion Date 9-30-18Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
700 ft. from Septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Air - mud Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
15 LB/FT	5 IN	Surface	320' FT	7 7/8 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	35	94-6 Lb/gal	Surface	240' FT
		Lb/gal	FT	FT

Describe grouting procedure Trimmed Line @ 238'

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material Steel PipeSlot Size _____ Set From 250 Feet to 320 FeetOther information 4 1/8" hole to 320'

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? 2 Rubber 5X8Describe packer(s) and location Set at 240 + 238'

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?

Lab sample sent to for water quality analysis

☐ No, Why Not?Chlorine Tablets
Owner to Complete testWell Owner: Dylan GingrasBusiness Name: DDSLGAddress: 15015 Sunshine ValleyCity, State, Zip: Piedmont, SD

letter returned by PO

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Surf Soil	0	4'
Black to Gray Shale	4	65
Yellow Sand Shale	65	75
Gray Brn Shale with SS clots	75	175
Brn to Cream SS + Shale	175	200
Mult. Sand Dakota	200	210
Gray Limestone Hard	230	240
Dark Cream + White SS + ls	240	320
Red Shl 5' - Cream SS	320	360

STATIC WATER LEVEL

24'

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?

Yes

WELL TEST DATA:

☐ Pumped

Describe:

Air Developed☐ Bailed☒ Other

Pumping Level Below Land Surface

200'

Ft. After

4hr

Hrs. pumped

125

GPM

140'

Ft. After

3hr

Hrs. pumped

65

GPM

If pump installed, pump rate:

GPM

REMARKS

Went from Dakota to top of Minnelusa @ 230' Drilled 180' In to Minnetonka TD 360

Injan Kong per 11/9/18

This well was drilled under license # 6445

And this report is true and accurate.

Drilling firm:

Dakota Geo

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

[Signature]

Date:

10/15/18

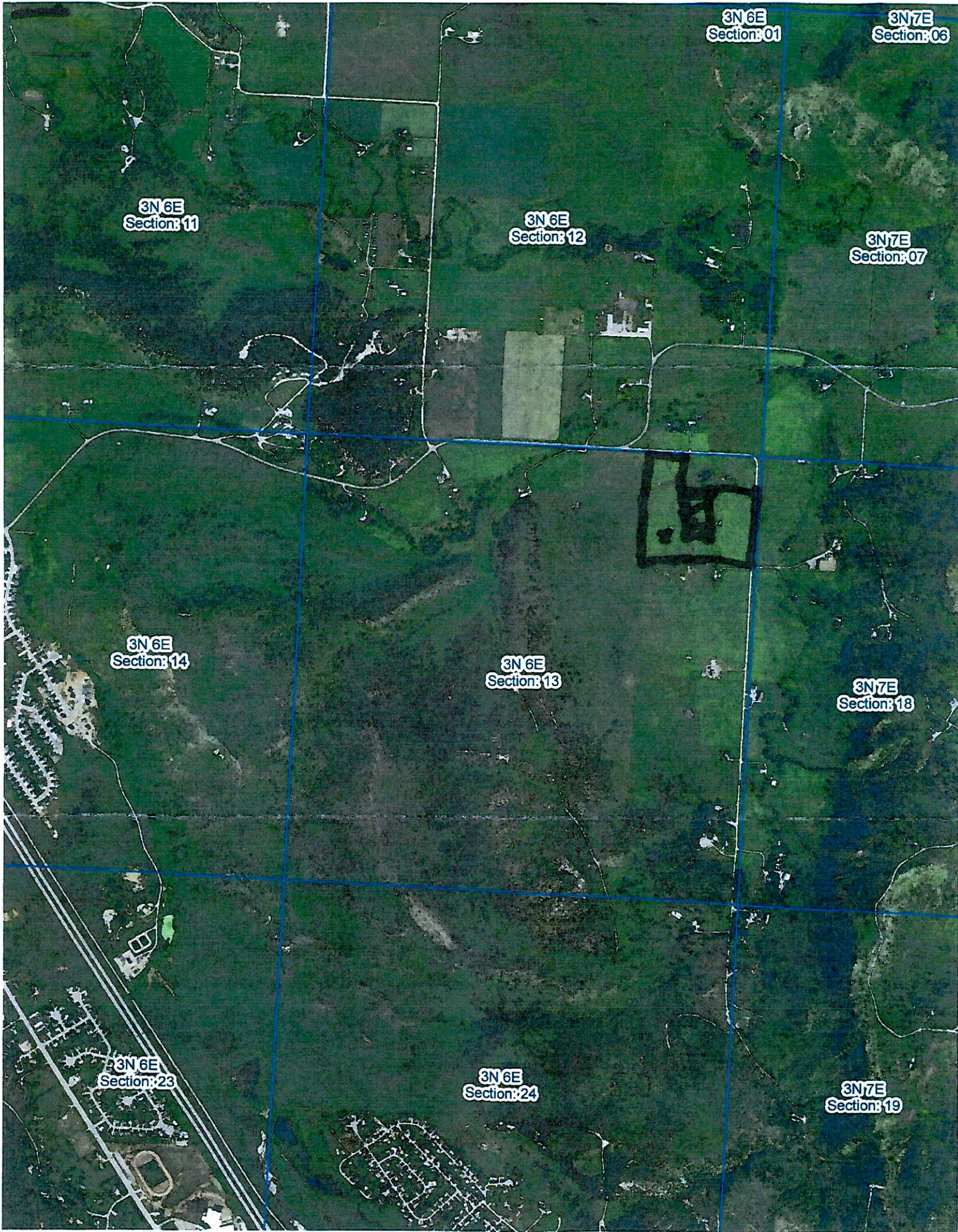
RECEIVED

OCT 15 2018

WATER RIGHTS PROGRAM

Please return WHITE COPY to: DENR Water Rights

523 E Capitol Ave. Pierre SD 57501



3N 6E
Section: 01

3N 7E
Section: 06

3N 6E
Section: 11

3N 6E
Section: 12

3N 7E
Section: 07

3N 6E
Section: 14

3N 6E
Section: 13

3N 7E
Section: 18

3N 6E
Section: 23

3N 6E
Section: 24

3N 7E
Section: 19

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date April 14, 2020

RECEIVED OF DDG LLC 2700 N Plaza Dr PO Box 1420 Rapid City SD 57709

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

Fee for Application for Permit No. <u>1996-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
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>1996-1</u>	\$200.00
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$700.00

By Eric Gronlund
Chief Engineer vm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 15, 2020

DDG LLC
c/o Dave & Dylan Gingras
13182 Rodayor Rd
Piedmont SD 57769

Dear Sirs:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a water distribution system in Meade County. In order to complete the application, the following is required.

- Item No. 4 lists the well location as E 1/2 NE 1/4 Section 13. The legal description on the Well Completion Report, indicates the well location as Section 13-T3N-R6E. Please confirm this is the correct legal location.
- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. Enclosed is a map for Section 13-T3N-R6E (if that is the correct legal location) that can be used. Please outline the area the system will supply and mark the well location with an "X".
- As a part of our review, we check the Secretary of State's corporation website to make sure the person signing the application on the behalf of an entity such as DDG LLC has the authority to do so. We noticed according to the Secretary of State's website that DDG LLC has been dissolved. Please advise as to how you want to proceed.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

*Karen,
My LLC is inactive
if you don't mind Please
Just use my name as
I am owner of the property
Dylan Gingras Thank You
Sincerely
Dylan Gingras*

Schlaak, Karen

From: Duane Crawford <dakotageo@gmail.com>
Sent: Tuesday, April 21, 2020 2:15 PM
To: Schlaak, Karen
Subject: [EXT] Gingras Water permit map
Attachments: Permit App Dave 1.pdf

Hi Karen:

Please find attached the requested map and signed authorization to rename to Dylan Gingras. I made a mistake in the outline on the map but it is to include the entire area that is outlined the well is the dot on the map.

Thanks

Dakota Geo Consultant
Geothermal & Drilling Services
Duane Crawford
Nebraska Well License #39517
Iowa Well License #8715
South Dakota Well License # 645
Missouri Well License # 4610
IGSHPA Accredited Installer #11433-394
IGSHPA Certified Trainer # T1267-0314
PO Box 19
Piedmont, SD 57769
Cell: 605 519 0019
Cell: 402-750-2656
Web Address: dakotageo.com



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1996-1, Dylan Gingras**

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. 1996-1, Dylan Gingras, 13182 Rodayo Drive, Piedmont SD 57769.

The Chief Engineer is recommending APPROVAL of Application No. 1996-1 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. 1996-1 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
4. Water Permit No. 1996-1 authorizes a total annual diversion of 48.0 acre feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 19, 2020

REPORT ON PERMIT APPLICATION NO. 1996-1

Dylan Gingras

June 19, 2020

Water Permit Application No. 1996-1 requests the appropriation of 48 acre-feet of water annually at a maximum pump rate of 0.133 cubic feet per second (cfs) of water from one well to be completed into the Inyan Kara aquifer (360 feet deep) located in the NE ¼ NE ¼ Section 13-T3N-R6E for a water distribution system located approximately 1.3 miles east of Summerset SD.

Aquifer: Inyan Kara (INKR)

Hydrogeology

The Inyan Kara aquifer is a regional aquifer that underlies much of the northern great plains and extends up into Canada. The Inyan Kara Group is made up of two lower Cretaceous Formations: the Lakota and Fall River Formations. The Lakota Formation is comprised of fluvial sandstone, siltstone, and shale with the bulk of the formation consisting of fine-grained sandstone (Downey, 1986). The Fall River Formation overlies the Lakota Formation and is the result of the initial advance of the early Cretaceous sea, which deposited fine sand, silt, and clay, subsequently forming sandstone, siltstone, and claystone (Downey, 1986). For the purpose of appropriations, the Water Management Board and the DENR-Water Rights Program consider the Inyan Kara group as one aquifer.

In Meade County, the Inyan Kara aquifer has an estimated areal extent of 2,107,520 acres and 36,354,720 acre-feet of recoverable water (Allen, Illes, & Petres, 1985). The well completion report included with the application indicates surface soil from ground surface to 4 feet, black to gray shale from 4 to 65 feet, yellow sandstone from 65 to 75 feet, gray-brown shale with sandstone from 75 to 175, brown to cream sandstone and shale from 175 to 200 feet, Dakota Formation from 200 to 230 feet, hard gray limestone from 230 to 240 feet (top of the Inyan Kara), cream and white sandstone and limestone from 240 to 320 (Inyan Kara), and red shale and cream-colored sandstone from 320 to 360 feet (Inyan Kara). The well completion report also indicated a static water level of 24 feet below ground surface. At the proposed site for this application, the Inyan Kara aquifer is estimated to be approximately 230 feet thick and is expected to be confined (Gries, 1981; Water Rights, 2020b; Water Rights, 2020a).

South Dakota Codified Law 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 and potential impacts to existing rights within the Inyan Kara aquifer.

Water Availability

SDCL 46-6-3.1 is considered when evaluating the probability of unappropriated water from an aquifer and states “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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” Although the Inyan Kara aquifer is older and lower than the Greenhorn Formation, and there is a water distribution system involved, a brief discussion on recharge/withdrawals from the aquifer is included below.

Hydrologic Budget

Recharge

The Inyan Kara aquifer receives recharge from infiltration of precipitation on the outcrop area and may also receive leakage from underlying aquifers (Driscoll & Carter, 2001; Gott, Wolcott, & Bowles, 1974; Swenson, 1968). Driscoll & Carter (2001) analyzed precipitation data from 1950 to 1998 over the Black Hills area and determined that precipitation averaged 17.84 inches per year with an estimated evapotranspiration loss of 17.05 inches per year resulting in a total yield of 0.79 inches per year over the Inyan Kara outcrop area within the study area. A recharge factor of 0.80 was used for the Inyan Kara aquifer due to the formation containing more shale layers than the Madison, Minnelusa, and Minnekahta formations resulting in 0.63 inches per year contributing to recharge, the remaining 0.20 is assumed to contribute to runoff. The outcrop area of the Inyan Kara group was estimated to be 219,700 acres in South Dakota, resulting in an estimated average annual precipitation recharge of 11,600 acre-feet per year after accounting for evapotranspiration and runoff. This estimate is conservative, and additional recharge is likely occurring due to upward leakage from underlying aquifers and areas other than the Black Hills where the Inyan Kara aquifer outcrops.

Discharge

Currently, there are 199 water rights/permits appropriating water from the Inyan Kara aquifer, one future use permit (1780-2 reserves 142 acre-feet per year) reserving water and one application held in abeyance (Application No. 2686-2 Powertech (USA) Inc for 274.2 acre-feet per year) (Water Rights, 2020a). There are a number of well completion reports on file with SD DENR - Water Rights Program for domestic wells within several miles of the proposed well site, which appear to be completed into the Inyan Kara aquifer (Water Rights, 2020b).

In February of 2020, Drennon (2020) estimated the average annual withdrawals from the Inyan Kara aquifer in South Dakota to be 14,422.7 ac-ft/yr (This estimate includes Water Permit 8420-3 and future use permit 1780-2 but not Application No. 2686-3). Drennon (2020) estimated average annual withdrawals based on the following criteria: 1) annual water use reported in the latest public water system survey for municipal, and suburban housing development appropriations where applicable (water usage for rights/permits used for emergencies were

considered negligible); 2) CAFO (concentrated animal feeding operations) usage for livestock watering, including wash water, was estimated by multiplying the number of permitted animals by the average daily use for each type of animal permitted (if this value was greater than the permitted value it was assumed the full appropriation was used); 3) irrigation questionnaire reporting for irrigation permits when available for the years 2009 to 2018 (an application rate of 10 inches per acre was assumed for both newer irrigation permits and irrigation rights/permits not required to report); 4) the most current water use reported for non-irrigation appropriations that are required to report 5) assuming unreported water rights/permits limited to an annual volume will use the entire volume and water rights/permits limited by diversion rate will be used 60% of the time at the maximum diversion rate for their annual use period; 6) water rights/permits authorized to withdraw from the Inyan Kara and the Dakota aquifers were assumed to withdraw their full amount from the Inyan Kara Aquifer.

Application No. 2686-2 for Powertech (USA) Inc is held in abeyance at the request of the applicant while the applicant completes the required federal permitting processes. If approved as currently proposed, Application No. 2686-2 would be limited to pumping 274.2 ac-ft/yr. Other than the approval of the permit cited in Drennon's (2020) report, there have been no additional water permits, and no permits have been licensed since that report. Assuming Application No. 2686-2 were approved, the total estimated average annual withdrawal from the Inyan Kara aquifer would be 14,744.9 acre feet.

Localized Hydrologic Budget

A subarea for the Inyan Kara aquifer encompassing the proposed diversion point and nearby water rights both up and downgradient of the diversion point was determined to create a localized hydrologic budget. This subarea was identified based on hypothetical flow paths that were constructed roughly orthogonal to the potentiometric surface mapped by Strobel, Galloway, Hamade, & Jarrell (2000) for the Inyan Kara aquifer. Water rights/permits appropriating water from the Inyan Kara aquifer in this area are shown in Table 1 and Figure 1.

Table 1. Inyan Kara aquifer appropriations upgradient and downgradient of the proposed diversion point (Water Rights, 2020a).

Permit No.	Name	Status	Use	Rate (cfs)
1338-1	Black Hills Petrified Forest	LC	COM	0.03
1664-1	Buffalo Ridge Water Users	LC	SHD	0.1
1688-1	Jake Or Lynne Mooney	LC	COM	0.089
1690-1	Tim & Arvid Scott	LC	DOM	0.077
1700-1	Elk Creek 7 Water Association	LC	SHD	0.111
1812-1	Rdt Water Association Llc	LC	SHD	0.078
1876-1	Elk Creek 7 Water Association	LC	SHD	0.08
Appropriations in GREEN are immediately upgradient of the proposed diversion point and Appropriations in RED are downgradient. LC = Water Right, COM = Commercial, SHD = Suburban Housing Development, DOM = Domestic				

The estimated average annual withdrawal for the subarea was calculated assuming the water rights in Table 1 will pump 60% of the time at their maximum diversion rate for their annual use period. Assuming Application No. 1996-1 is approved, the estimated

average annual withdrawal for this subarea of the Inyan Kara is 293.5 acre-feet annually. Precipitation recharge to this subarea of the Inyan Kara aquifer can be estimated using Driscoll & Carter's (2001) calculated precipitation recharge of 0.63 inches per year to the Inyan Kara outcrop in the Black Hills. The subarea outcrop of the Inyan Kara was estimated to be approximately 6,400 acres, resulting in an estimated average annual precipitation recharge of 337 acre-feet per year for the subarea after accounting for evapotranspiration and runoff.

The precipitation recharge estimate for this subarea should not be considered an absolute value. When considering the uncertainties associated with both estimates, the estimated average annual precipitation recharge rate and the estimated average annual well withdrawals from this subarea indicate there is a reasonable probability that precipitation recharge alone for this subarea will exceed average annual well withdrawals from the subarea. Since additional recharge may be available through streamflow losses, and increased well withdrawals could induce groundwater inflow from outside the subarea, there is a reasonable probability that unappropriated water is available for this appropriation.

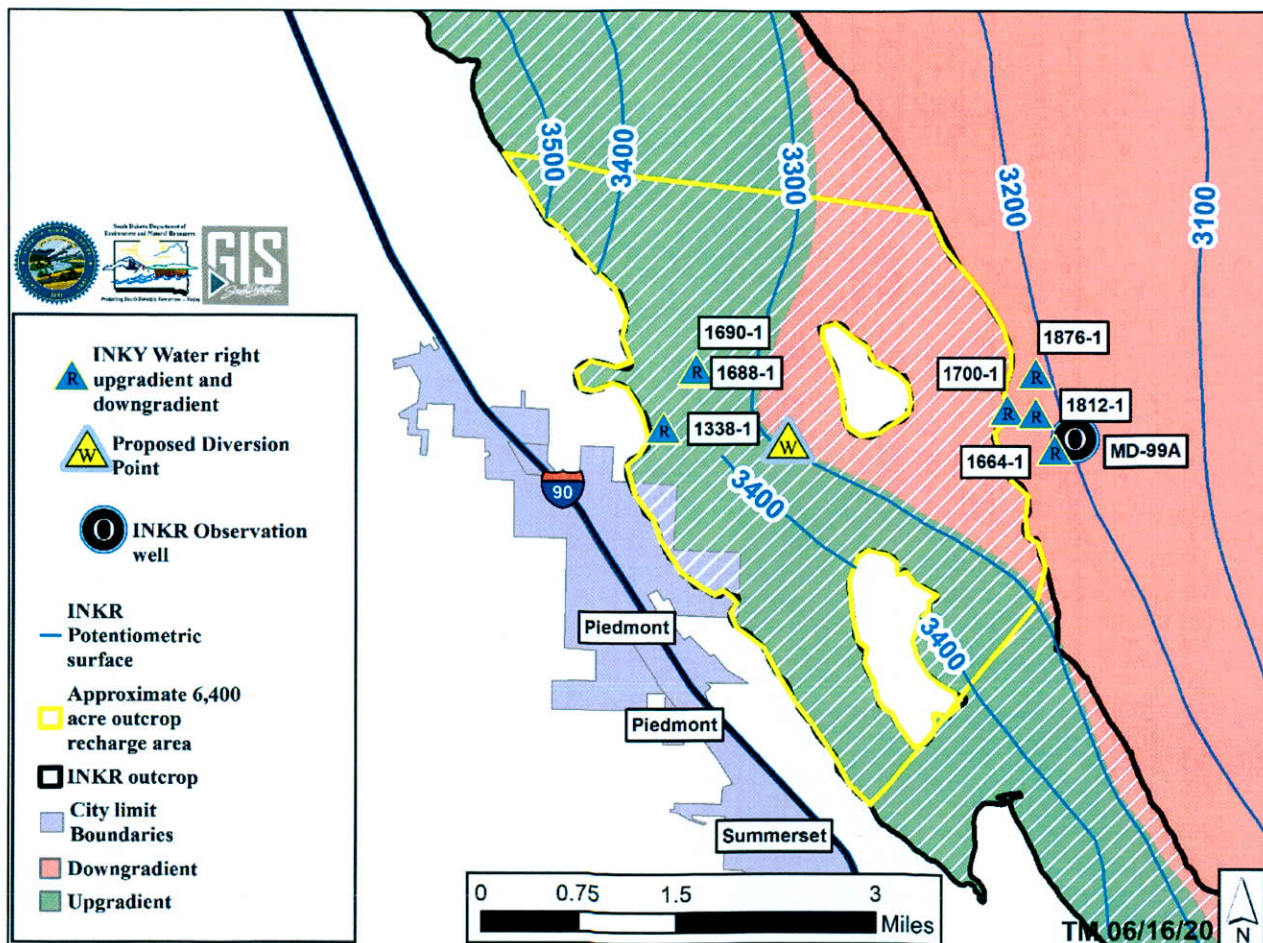


Figure 1: The subarea of the Inyan Kara outcrop used to calculate the localized hydrologic budget, the proposed diversion point, Inyan Kara water rights up and downgradient of the proposed diversion point, the modified potentiometric surface used to define the subarea, and nearby Inyan Kara observation wells (Water Rights, 2020a; Water Rights, 2020c; Strobel, Galloway, Hamade, & Jarrell, 2000; Strobel, Jarrell, Sawyer, Schleicher, & Fahrenbach, 1999)

Hydrologic Budget Summary

The estimated average annual recharge to the Inyan Kara aquifer from precipitation on the Black Hills outcrop in South Dakota is 11,600 ac-ft/year. The estimated average annual withdrawal from the Inyan Kara aquifer is estimated to be 14,744.9 ac-ft/yr. If approved, this application will use an estimated 48 ac-ft/yr assuming full appropriation bringing the total estimated average annual withdrawal from the Inyan Kara aquifer to 14,792.9 ac-ft/yr.

When looking at the subarea of the Inyan Kara aquifer around the proposed diversion point and only accounting for recharge due to precipitation on the Inyan Kara outcrop, the estimated average annual recharge was calculated to be 337 ac-ft/yr. While the estimated average annual withdrawal was calculated to be 293.5 ac-ft/yr. The estimated average annual precipitation recharge rate and the estimated average annual well withdrawals from this subarea indicate there is a reasonable probability that precipitation recharge alone for this subarea will exceed average annual well withdrawals from the subarea.

There is no average annual recharge estimation of the Inyan Kara aquifer in its entirety. The estimated average annual recharge cited in this report only accounts for precipitation on the Inyan Kara outcrop in the Black Hills of South Dakota and, as such, does not account for other factors contributing to recharge. Although the estimated average annual withdrawal exceeds the estimated average annual recharge, there is likely additional recharge occurring due to upward leakage from underlying aquifers.

Observation Well Data

In determining the availability of unappropriated water for a permit application, Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer.

The DENR-Water Rights Program monitors nine observation wells completed into the Inyan Kara aquifer (Water Rights, 2020c). Observation wells provide data on how the aquifer reacts to regional climatic conditions and pumping in the immediate vicinity of those observation wells. The nearest observation wells that can be used for analysis are MD-99A (2.2 miles east), PE-95B (14.7 miles southeast), and MD-89A (19.6 miles northwest) the hydrographs for these wells are shown in Figure 2. All three observation well are within one mile of where the Inyan Kara outcrops in the Black Hills. The Black Hills Inyan Kara outcrop is a primary recharge area for the Inyan Kara aquifer and as such, observation wells near the outcrop will show higher recharge than areas downgradient of them. As a result, observation wells near the outcrop show greater fluctuations due to seasonal recharge and withdrawals, while observation wells further away show more attenuated readings.

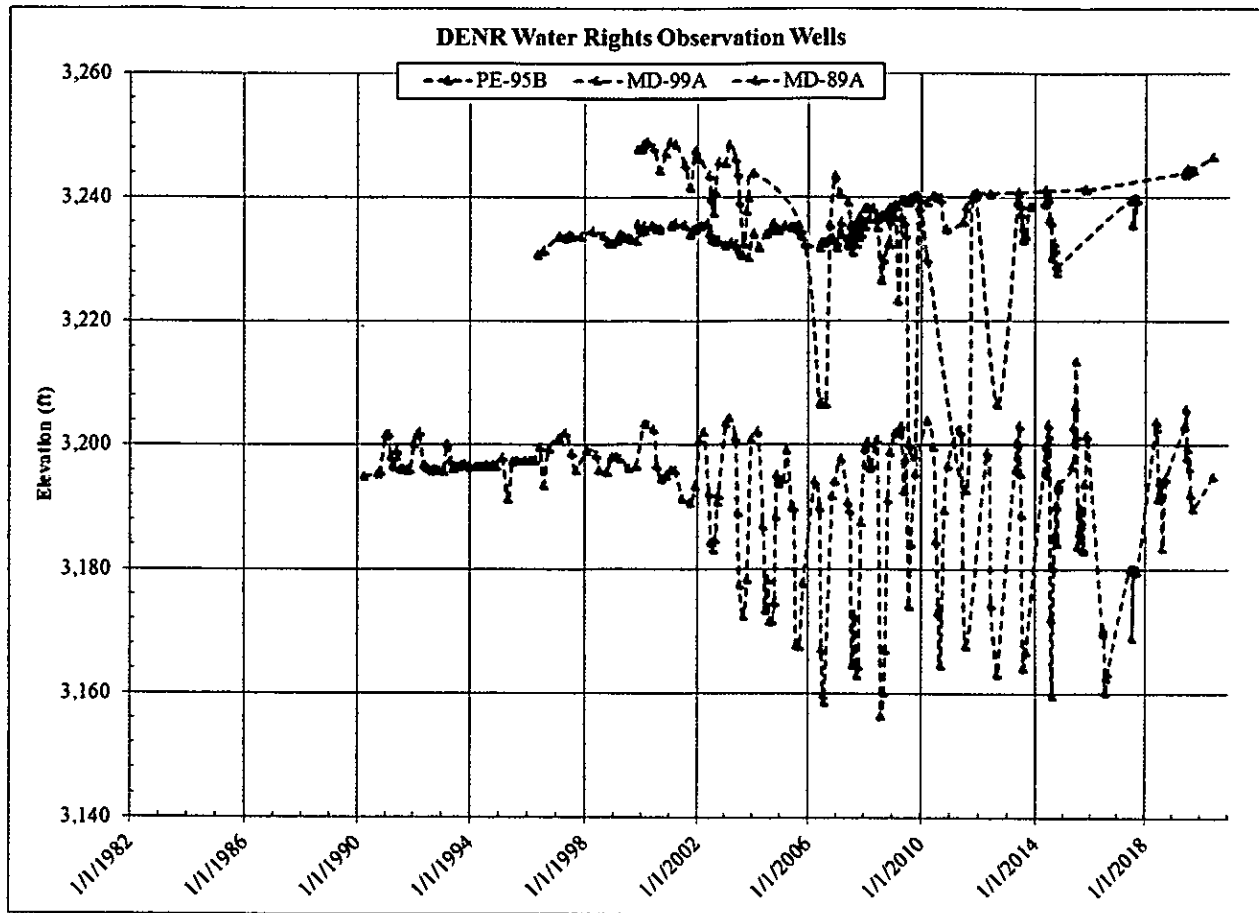


Figure 2: Hydrograph for Observation Wells MD-99A, PE-95B, and MD-89A (Water Rights, 2020c).

The water levels in the observation wells show that the amount of recharge to and natural discharge from the aquifer exceeds pumping with the aquifer returning to pre-pumping condition between irrigation seasons. Therefore, recharge to and natural discharge from the Inyan Kara aquifer can be captured for pumping, and the hydrographs document that unappropriated water is available for this proposed appropriation.

Existing Water Rights

Currently, there are 199 water rights/permits appropriating water from the Inyan Kara aquifer (Water Rights, 2020a). The nearest water right/permit to the applicant's proposed diversion point is approximately 0.87 miles to the northwest (Table 2 and Figure 3). There are a number of domestic wells on file with the SD DENR-Water Rights Program, which appear to be completed into the Inyan Kara within the area illustrated in Figure 3 (Water Rights, 2020b).

Table 2: Nearby water rights/permits currently authorized to withdraw water from the Inyan Kara aquifer, illustrated in Figure 2 (Water Rights, 2020a).

Permit No.	Name	Status	Use	Rate (cfs)
1338-1	Black Hills Petrified Forest	LC	COM	0.03
1587-2	Weston Heights Home Owners	LC	SHD	0.11
1597-1	Crooked Oaks Canyon Homeowners Assn	LC	SHD	0.1
1656-1	Lofly Pines Homeowners	LC	SHD	0.085
1664-1	Buffalo Ridge Water Users	LC	SHD	0.1
1688-1	Jake Or Lynne Mooney	LC	COM	0.089
1690-1	Tim & Arvid Scott	LC	DOM	0.077
1700-1	Elk Creek 7 Water Association	LC	SHD	0.111
1793-1	Autumn Meadows Sanitary District	LC	SHD	0.17
1794-1	Vita Royal Products Inc	LC	COM	0.035
1796-1	Dennis Or Ann Beckham	LC	SHD	0.1
1812-1	Rdt Water Association LLC	LC	SHD	0.078
1826-1	Golden Valley Water Company LLC	LC	SHD	0.267
1837-1	Guy Mann	LC	SHD	0.22
1846-1	Dennis Or Anna Mae Beckham	LC	SHD	0.1
1876-1	Elk Creek 7 Water Association	LC	SHD	0.08
1920-1	Elk Valley Ranchettes Homeowners Assn	LC	SHD	0.1

LC = Water Right, COM = Commercial, SHD = Suburban Housing Development, DOM = Domestic

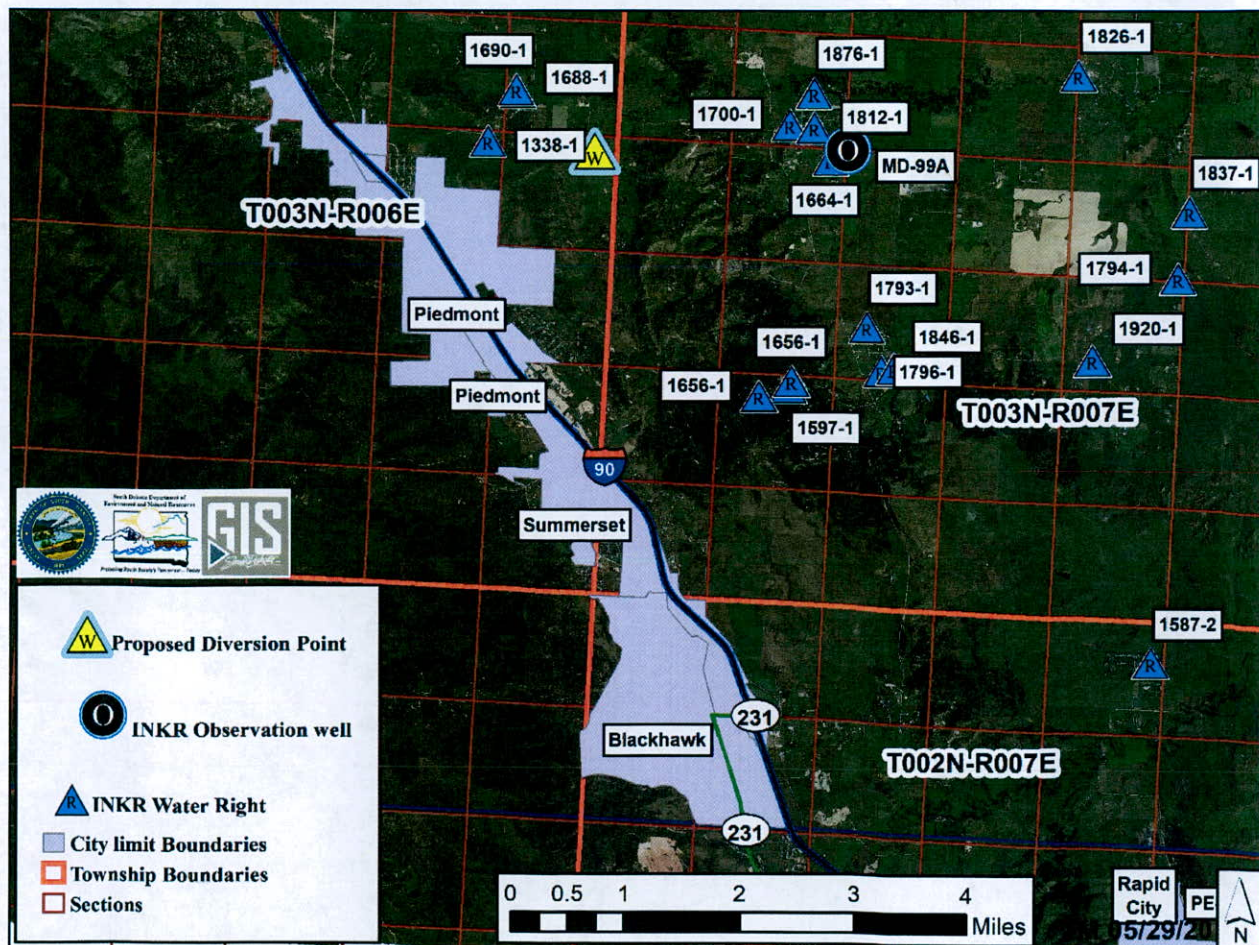


Figure 3: Map showing the location of the proposed diversion point, nearby water rights/permits, and nearby observation wells (Water Rights, 2020a; Water Rights, 2020c).

The Inyan Kara aquifer is confined in this area, so drawdown from pumping could extend a significant distance from the proposed well site. The thickness of the Inyan Kara aquifer in the area of this application is expected to be 230 feet. This would allow sufficient thickness for a pump to be placed 20 feet below the top of the aquifer. Nearby adequate wells should not be adversely impacted by pumping at this proposed diversion rate.

An adequate well as defined in ARSD 74:02:04:20(6):

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

SDCL 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and in the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur (Water Rights, 1995). The Water Management Board has also found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered an adverse impact it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to lower their pumps to accommodate for deeper water levels. Given the artesian head pressure at the well site, the thickness of the Inyan Kara aquifer in the area, and the nearest water right/permit being approximately 0.87 miles to the northwest well interference from this proposed diversion is not expected to cause an adverse impact. Therefore, there is a reasonable probability that any interference created by pumping for this proposed appropriation will not be adverse.

Conclusions

1. Water Permit Application No. 1996-1 requests the appropriation of 48 acre-feet of water annually at a maximum pump rate of 0.133 cubic feet per second (cfs) of water from one well to be completed into the Inyan Kara aquifer (360 feet deep) located in the NE ¼ NE ¼ Section 13-T3N-R6E for a water distribution system located approximately 1.3 miles east of Piedmont SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Inyan Kara aquifer.
3. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells for existing water rights and domestic use.

Timothy Magstadt

Timothy Magstadt
Natural Resources Engineer I
SD DENR – Water Rights Program

References

- Allen, J., Illes, D., & Petres, A. (1985). *Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: Final Report, US Army Corps and Engineers Contract DAWC 45-82-C-015.* Vermillion SD: SD DENR- Geological Survey.
- Downey, J. S. (1986). *Geohydrology of Bedrock Aquifer in the Northern Great Plains in Parts of Montana, North Dakota, South Dakota, and Wyoming; U.S. Geological Survey Professional Paper 1402-E.* U.S. Geological Survey.
- Drennon, K. C. (2020). *Water Permit Application No. 8420-3 Vogel Farms PTR c/o Kenny Vogel.* SD DENR-Water Rights Program. Joe Foss Bldg Pierre, South Dakota.
- Driscoll, D. G., & Carter, J. M. (2001). *Hydrologic Conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998; Water-Resources Investigations Report 01-4226.* Rapid City, South Dakota: U.S. Geological Survey.
- Gott, G. B., Wolcott, D. E., & Bowles, C. G. (1974). *Stratigraphy of the Inyan Kara Group and Localization of Uranium Deposits, Southern Black Hills, South Dakota and Wyoming; Geological Survey Professional Paper 763.* U.S. Geological Survey.
- Gries, J. P. (1981). *Unpublished maps prepared for the Office of Drinking Water, SD Dept. of Water and Natural Resources for the Underground Injection Control Program.* Retrieved from Accessed: April 29, 2019 <<http://www.sdgs.usd.edu/pubs/other/GriesMaps.Zip>>. SD DENR-Geological Survey. Vermillion, South Dakota
- Strobel, M. L., Galloway, J. M., Hamade, G. R., & Jarrell, G. J. (2000). *Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area; Hydrologic Atlas 745-A, scale: 1:100,000.* South Dakota: U.S. Geological Survey.
- Strobel, M. L., Jarrell, G. J., Sawyer, J. F., Schleicher, J. R., & Fahrenbach, M. D. (1999). *Distribution of Hydrogeologic Units in the Black Hills Area: Hydrologic Investigations Atlas HA-743, scale 1:100,000.* South Dakota: U.S. Geological Survey.
- Swenson, F. A. (1968). *New Theory of Recharge to the Artesian Basin of the Dakotas; Bulletin 1081-B.* Geological Society of America.
- Water Rights. (1995). *Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills.* SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. (2020a). *Water Right/Permit Files.* Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.

Water Rights. (2020b). *Well Completion Report Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.

Water Rights. (2020c). *Observation Well Database*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.

**NOTICE OF
APPLICATION
NO. 1996-1 to
Appropriate Water**

RECEIVED

JUL 20 2020

**WATER RIGHTS
PROGRAM**

Notice is given that Dytan Glingras, 13182 Rodway Dr, Piedmont SD 57768 has filed an application for a water permit to appropriate 48 acre-feet of water annually at a maximum pump rate of 0.133 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (360 feet deep) located in the NE 1/4 NE 1/4 Section 13-T3N-R6E for a water distribution system located in the same area described above. This site is located approximately 1.3 miles east of Summerset SD.

Pursuant to SDCI 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1996-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 July 6, 2020.

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

If the applicant does not contest the

recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published June 24, 2020 at the total approximate cost of \$22.87.

Notice of Application Dylan Gingras

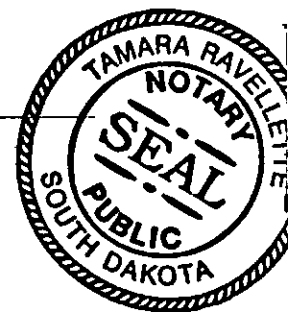
x Brittney Wunney

Subscribed and sworn to me before this 17th day of July 2020.

Tamar Kewell

Notary Public, State of South Dakota

My Commission Expires: 01-24-2026



Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

JUL 06 2020

WATER RIGHTS
PROGRAM

June 24 L13604

NOTICE OF APPLICATION NO. 1996-1 to Appropriate Water
Notice is given that Dylan Glingras, 13182 Rodayo Dr, Piedmont SD 57769 has filed an application for a water permit to appropriate 48 acre-feet of water annually at a maximum pump rate of 0.133 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (360 feet deep) located in the NE 1/4 NE 1/4 Section 13-T3N-R6E for a water distribution system located in the same area described above. This site is located approximately 1.3 miles east of Summerset SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1996-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 July 6, 2020.

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

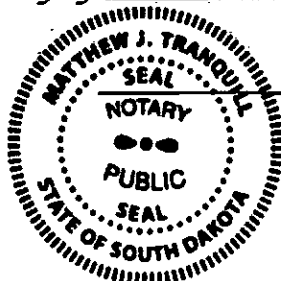
If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

(Published once at the total approximate cost of \$46.84)

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 24th day of June 2020 that the fees charged for the publication there of are 46 dollars and 84 cents.

Sheri Sponder

Subscribed and sworn to before me this 26th day of June, 2020.



Matthew J. Tranquill

Notary public

December 5, 2025

My commission expires

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 6, 2020 9:25 AM
To: Faith Ind
Subject: RE: [EXT] 1996-1, Dylan Gingras

Please send me the affidavit for this publication. Thank you.

From: Faith Ind <faithind@faithsd.com>
Sent: Monday, June 22, 2020 10:02 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: Re: [EXT] 1996-1, Dylan Gingras

Received, thank you!

Have a great week,
Krissy Johnson
faithind@faithsd.com
605-967-2161
Ravellette Publications, Inc.
Faith Independent
Po Box 38
Faith, SD 57626

On Jun 22, 2020, at 8:38 AM, Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Attached is a notice to be published on June 24, 2020.

Dylan Gingras, 13182 Rodayo Dr, Piedmont SD 57769 (Dave Gingras 605 431-6883 or Dylan Gingras 605 269-1322) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352
<image001.gif>

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 22, 2020 9:39 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 1996-1, Dylan Gingras
Attachments: 1996-1public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 24, 2020.

Dylan Gingras, 13182 Rodayo Dr, Piedmont SD 57769 (Dave Gingras 605 431-6883 or Dylan Gingras 605 269-1322) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Instruction to Newspaper - Publish the Notice on June 24, 2020. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1996-1 to Appropriate Water

Notice is given that Dylan Gingras, 13182 Rodayo Dr, Piedmont SD 57769 has filed an application for a water permit to appropriate 48 acre-feet of water annually at a maximum pump rate of 0.133 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (360 feet deep) located in the NE 1/4 NE 1/4 Section 13-T3N-R6E for a water distribution system located in the same area described above. This site is located approximately 1.3 miles east of Summerset SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1996-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 July 6, 2020.

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

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_____.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

June 22, 2020

Dylan Gingras
13182 Rodayo Dr
Piedmont SD 57769

Dear Mr. Gingras

Water Permit Application No. 1996-1 for water distribution system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faith Independent printed at Faith SD (Ph # 605 967-2161) and the Rapid City Journal printed at Rapid City SD (Ph # 605 394-8336). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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 application.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 22, 2020 10:15 AM
To: 'grasshopper58@hotmail.com'
Subject: Water Permit Application, 1996-1
Attachments: 1996-1.pdf

Attached is the report, chief engineer recommendation and information regarding the public notice for Water Permit Application No. 1996-1.

As stated in the letter, it is important that you contact the **both papers** to authorize publication and arrange for payment ASAP in order for the notice to be published on Wednesday of this week, June 24th. This same information is being mailed to you today.

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 24 2020

Dylan Gingras
13182 Rodayo Dr
Piedmont SD 57769

Dear Mr. Gingras:

Enclosed is Water Permit No. 1996-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 23, 2025

NOTICE OF HEARING

TO: Dylan Gingras, 21919 Gingras Drive, Piedmont SD 57769
FROM: Ron Duvall, Engineer III
for Mark Mayer, PE
Director of Office of Water

SUBJECT: Violation of Permit Qualification to Report Annual Water Use

Our records indicate your 2024 annual water use has not been submitted for Permit No. 1996-1. The request to report water use for 2024 was dated January 3, 2025. Two follow-up attempts to get the required water use report have gone unanswered. The Water Management Board has directed owners of water permits who have not submitted the 2024 water use reporting 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. 1996-1 qualification:

"The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer."

The hearing will be held on **Wednesday, July 9, 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. 1996-1 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 water use report(s) is (are) received in this office before the **July 9, 2025**, hearing, you will no longer be in violation of your permit and your name will be removed from the Board agenda. You may submit your water use report by providing the information to Rachel Rodriguez at (605) 773-3352 or via email at rachel.rodriguez@state.sd.us. You may also submit the water use report via mail using the address in the NOTE at the bottom of this Notice.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD 57501 or call (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

July 11, 2025

**NOTICE OF ENTRY OF ORDER REGARDING ONE YEAR SUSPENSION
OF WATER PERMIT**

TO: Dylan Gingras, 21919 Gingras Drive, Piedmont SD 57769

FROM: *for* Mark Mayer, Acting Chief Engineer
Water Rights Program

SUBJECT: One Year Suspension of Water Permit No. 1996-1

Pursuant to the Notice of Hearing dated and mailed to you on May 23, 2025, the Water Management Board took action on July 9, 2025, and ordered the following:

Effective August 1, 2025, Water Permit No. 1996-1 is suspended for one year for failure to report your 2024 water use. If your 2024 water use is reported prior to August 1, 2025, the suspension will not take effect.

A one-year suspension of Water Permit No. 1996-1 means water may not be pumped for one year beginning on the effective date of suspension which is August 1, 2025. If your 2024 water use is reported prior to August 1, 2025, the one-year suspension will not go into effect. You may report your use via phone by contacting Rachel Rodriguez at 605-773-3352 or by email at Rachel.Rodriguez@state.sd.us.

Water Rights staff will conduct unscheduled compliance checks of suspended water permits. Pursuant to South Dakota Codified Law 46-1-11, violation of this suspension will be a Class 2 misdemeanor, subject to a civil fine of up to \$500.00. Each day of noncompliance is deemed a separate violation meaning up to \$500.00 for each day of violation.

If you fail to report prior to August 1, 2025, you may petition the Board to rescind the suspension. To do so, you will need to submit to the Water Rights Program your 2024 water use, a letter including your reason for not reporting within the allotted time, and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for October 1-2, 2025, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Rachel Rodriguez at 605-773-3352 with any questions.

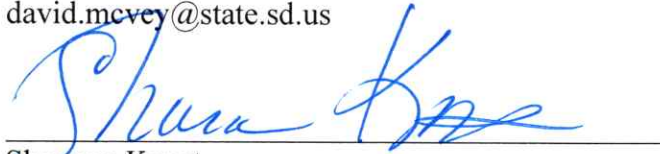
CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Entry of Order, concerning a one-year suspension of Water Permit No. 1996-1, dated July 11, 2025, in the matter of violating the annual water use reporting requirement, was served by U.S. certified mail, upon the following on this 11th day of July 2025.

Dylan Gingras
21919 Gingras Drive
Piedmont SD 57769

Above sent inter-office to:

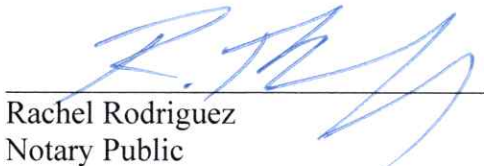
David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501
david.mcvey@state.sd.us



Shannon Konst
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of July, 2025.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
- ☐ Return Receipt (electronic) \$ _____
- ☐ Certified Mail Restricted Delivery \$ _____
- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

Postmark
Here

PH

Postage

\$

Total

DYLAN GINGRAS

\$

Sent

21919 GINGRAS DRIVE

Street

PIEDMONT SD 57769

City

7912 9489 0000 1970 2021

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DYLAN GINGRAS
21919 GINGRAS DRIVE
PIEDMONT SD 57769



9590 9402 6392 0303 3267 37

2. Article Number (Transfer from service label)

7021 1970 0000 9489 7912

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Dylan G*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Dylan Gingras

C. Date of Delivery

7/25/20

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 6392 0303 3267 37

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box •

DANR WATER RIGHTS PROGRAM
523 E CAPITOL AVE
PIERRE SD 57501



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 1, 2026

NOTICE OF HEARING

TO: Dylan Gingras, 21919 Gingras Drive, Piedmont SD 57769

FROM: Adam Mathiowetz, PE 
Acting Chief Engineer

SUBJECT: Violation of Permit Qualification to Report Annual Water Use

Our records indicate your 2025 annual water use has not been submitted for Permit No. 1996-1. The request to report water use for 2025 was dated January 2, 2026. Two follow-up attempts to get the required water use report have gone unanswered. The Water Management Board has directed owners of water permits who have not submitted the 2025 water use reporting 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. 1996-1 qualification:

"The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer."

The hearing will be held on **Wednesday, July 8, 2026, at 10:30 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. 1996-1 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 water use report(s) is (are) received in this office before the **July 8, 2026**, hearing, you will no longer be in violation of your permit and your name will be removed from the Board agenda. You may submit your water use report by providing the information to Rachel Rodriguez at (605) 773-3352 or via email at rachel.rodriguez@state.sd.us. You may also submit the water use report via mail using the address in the NOTE at the bottom of this Notice.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD 57501 or call (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, June 9, 2026 9:36 AM
To: 'david gingras'
Cc: grasshopper58@hotmail.com
Subject: RE: [EXT] Water Permit No. 1996-1

Received. Your permit has been removed from the violation list and will NOT go before the board. Please remember that this is an annual reporting requirement on the permit.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: david gingras <DGrassy1@outlook.com>
Sent: Sunday, June 7, 2026 9:22 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: grasshopper58@hotmail.com
Subject: Re: [EXT] Water Permit No. 1996-1

Here is the information. Well Permit N. 1996-1

Dear Rachel, I thought the information I had sent would cover us, but I realize that I didn't specify for 2025' the amount of water used, so in 2025' we estimate that 220,000 gallons were used by the 5 homes connected to our well. I hope it isn't too late to avoid this hearing we were notified about. I guess I overlooked your return email from the one I sent dated 5/6/2026.

Thank You Sincerely
D Gingras

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, May 22, 2026 11:05 AM
To: david gingras <DGrassy1@outlook.com>
Cc: grasshopper58@hotmail.com <grasshopper58@hotmail.com>
Subject: RE: Water Permit No. 1996-1

Good Afternoon David,

Please provide the annual water use for 2025. The email you sent on May 6, 2026, has several numbers your mentioned. However, as stated on the permit, you must provide the total annual use each year. If you do not know the exact amount, your best estimate is fine. Otherwise, you will receive a Notice of Hearing regarding Water Right 1996-1.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Friday, May 15, 2026 1:14 PM
To: david gingras <DGrassy1@outlook.com>
Cc: grasshopper58@hotmail.com
Subject: RE: [EXT] Water Permit No. 1996-1
Importance: High

Good afternoon,

I'm just following up on this, please provide the total water use for 2025.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Thursday, May 7, 2026 8:01 AM
To: 'david gingras' <DGrassy1@outlook.com>
Subject: RE: [EXT] Water Permit No. 1996-1

Good Morning David,

So, what is the total annual usage for 2025?

Also, please remember that this is an annual reporting requirement on your water permit.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: david gingras <DGrassy1@outlook.com>
Sent: Wednesday, May 6, 2026 8:30 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: [EXT] Water Permit No. 1996-1

Dear Rachel Rodriguez, We received your request to report the amount of water diverted from the above well in 2021. We estimate that 5 years ago the usage was approximately 150,000 gallons with increasing usage each year after that. Up to 200 - 300,000 gallons in the following years.

Thank You for your patients as we were late in responding to your request. We will try to be quicker to respond in the future.

Respectfully ,
Dylan Gingras