



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 12 2017

96A-3

Matt J Demmers
D & W Investments LLC
4314 Titan Dr
Rapid City SD 57701

Dear Mr. Demmers:

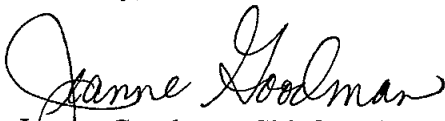
Enclosed is Reissued Water License No. 96A-3.

Based on an ownership change filed for a portion of the land described in the water right, Water Right No. 96-3 has been divided and reissued to reflect separate ownership as follows:

- **No. 96A-3, D & W Investments LLC, 4314 Titan Drive, Rapid City SD 57701** authorizing diversion of 1.68 cfs from Turtle Creek located in the SW $\frac{1}{4}$ Section 5 to irrigate 117.5 acres within the SW $\frac{1}{4}$ Section 5, (north and east of the creek) all in T116N, R64W;
- **No. 96B-3, Janet M Kegler, 17302 383rd Ave., Redfield SD 57469** authorizing diversion of 0.32 cfs from Turtle Creek located in the SW $\frac{1}{4}$ Section 5 to irrigate 22.5 acres within the SW $\frac{1}{4}$ Section 5 (south and west of the creek), all in T116N, R64W.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,


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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 96A-3
(DIVISION OF WATER LICENSE NO. 96-3 INTO NOS. 96A-3 & 96B-3)

(1) D & W Investments LLC, 4314 Titan Drive, Rapid City SD 57701 holds Water Right No. 96-3 for a water right to divert 2.00 cubic feet of water per second (cfs) from Turtle Creek, Spink County, South Dakota for irrigation purposes. Water Right No. 96-3, with a priority date of February 11, 1953 authorizes irrigation of 140 acres located in the SW ¼ Section 5, T116N, R64W.

On August 4, 2017, Janet M Kegler filed an ownership change for a portion of the land described in the water right. Based on the ownership change, Water Right No. 96-3 is being divided and reissued to reflect separate ownership as follows:

- **No. 96A-3, D & W Investments LLC, 4314 Titan Drive, Rapid City SD 57701** authorizing diversion of 1.68 cfs from Turtle Creek located in the SW ¼ Section 5 to irrigate 117.5 acres within the SW ¼ Section 5, (north and east of the creek) all in T116N, R64W;
- **No. 96B-3, Janet M Kegler, 17302 383rd Ave., Redfield SD 57469** authorizing diversion of 0.32 cfs from Turtle Creek located in the SW ¼ Section 5 to irrigate 22.5 acres within the SW ¼ Section 5 (south and west of the creek), all in T116N, R64W.

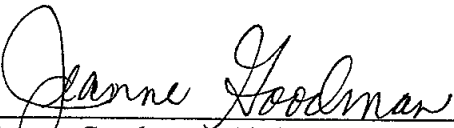
(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 1.68 cubic feet of water per second for beneficial use. The location of the diversion point is any point along the reservoir in the SW ¼ Section 5, T116N, R64W.

(3) The water right 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: 117.5 acres (north and east of Turtle Creek) located in the SW ¼ Section 5, T116N, R64W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 D & W Investments LLC, 4314 Titan Drive, Rapid City SD 57701 the holder and/or owner of Water Right No. 96A-3 is issued a license to appropriate water, the right to use 1.68 cubic feet of water per second from Turtle Creek with a priority date of February 11, 1953 from the location specified in (2) of this license for irrigation purposes.

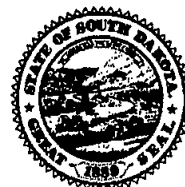
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 96-3.

- This Water Right is subject to the irrigation water use questionnaire being submitted each year. *(The originating Water Right No. 96-3 was amended March 2, 1988 to include the qualification.)*



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

OCT 12 2017
date



SEC
5



96A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 2018

96A-3

Matt Demmers
D & W Investments LLC
11339 E Starfire Circle
Mesa AZ 85212-7062

Dear Mr. Demmers:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaire.

The notice was originally mailed to 4314 Titan Dr, Rapid City SD. The post office notified us that your address has changed and I will update our records accordingly.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-9352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

MAR 04 2019

WATER RIGHTS
PROGRAMWater Right/Permit No. 96A-3Date: 3/1/19

PAID

MAR 04 2019

Ck# 5414I/We request that Water Right/Permit No. 96A-3 formerly owned by:Matt Demmers / D & W Investments

be transferred to:

New Owner Name:

Daniel + Karen Hagman

Address:

400 24th St SW

City, State, Zip

Winter Haven FL 33880Telephone No. 863-206-1467

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

Authorizing diversion of 1.68 cfs from Turtle Creek located in the SW 1/4 of Section 5 to irrigate 117.5 acres within the SW 1/4 Section 5, (north and east of the creek) all in T116N, R64W

☒ I understand that the validity of Water Right/Permit No. 96A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Karen Hagman, the new owner, certify that the above information is true and correct.

[Signature]
(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 4 1990

RECEIVED OF Daniel & Karen Hagman 400 24th St SW Winter Haven FL 33880

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
Fee for Filing Transfer Form <u>96A-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09051**

By Jeanne Goodman
Chief Engineer *Jm*

96A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 2019

96A-3

Daniel & Karen Hagman
400 24th St SW
Winter Haven FL 33880

Dear Mr. & Mrs. Hagman:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 96A-3.

The ownership change has been completed. Water Right No. 96A-3 formerly held by Matt Demmers dba D & W Investments is now listed in your names.

For informational purposes, each year in October we mail out irrigation questionnaires to irrigators in South Dakota for reporting water use. The forms are typically due back by December 1st. Please keep track of water use during the irrigation season so you will have records for reporting in October.

Thank you for updating the water right. Enclosed is Receipt No. 09051 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure

PAID

APR 05 2019

RECEIVED

APR 04 2019

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-5552

Ck# 1503

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 96A-3

Date: 4/2/2019

I/We request that Water Right/Permit No. 96A-3 formerly owned by:

Dan and Karen Hagman be transferred to:

New Owner Name: Jerad Jungwirth

Address: 1050 E 3rd Street

City, State, Zip Redfield ☒ SD ☒ 57469 Telephone No. 605-460-0024

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

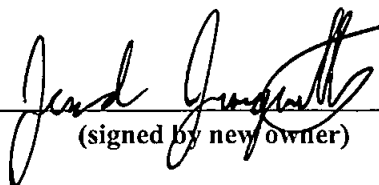
Authorizing diversion of 1.68 cfs from Turtle Creek located in the SW 1/4 of Section 5 to irrigate 117.5 acres within the SW 1/4 Section 5, (north and east of the creek) all in T116N, R64W

☒ I understand that the validity of Water Right/Permit No. 96A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jerad Jungwirth, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 4, 20 19

RECEIVED OF Jerad Jungwirth 1050 E 3rd Street Redfield SD 57469

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
Fee for Filing Transfer Form <u>96A-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09109**

By

Jeanne Goodman
Chief Engineer
jgm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 8, 2019

96A-3

Jerad Jungwirth
1050 E 3rd Street
Redfield SD 57469

Dear Mr. Jungwirth:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 96A-3.

The ownership change has been completed. Water Right No. 96A-3 formerly held by Daniel & Karen Hagman is now listed in your name.

For informational purposes, each year in October we mail out irrigation questionnaires to irrigators in South Dakota for reporting water use. The forms are typically due back by December 1st. Please keep track of water use during the irrigation season so you will have records for reporting in October.

Enclosed for your records is Receipt No. 09109 in the amount of \$50 which you paid for filing the ownership change. 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

enclosure



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

January 19, 2024

NOTICE

TO: JERAD JUNGWIRTH, 1050 E 3RD ST, REDFIELD, SD 57469

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 96A-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 96A-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 96A-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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ZHTLHE**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2024

96A-3

Jerald Jungwirth
1050 E 3rd St
Redfield SD 57469

Dear Mr. Jungwirth:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 96A-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 14, 2025

NOTICE

TO: JERAD JUNGWIRTH, 1050 E 3RD ST, REDFIELD, SD 57469

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 96A-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 96A-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 96A-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 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **KGJMRE****

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2025

96A-3

Jerad Jungwirth
1050 E 3rd St
Redfield SD 57469

Dear Mr. Jungwirth:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 96A-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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