

Water Right Number 2238-3

1. Considered MAY 21, 19 75
2. Name of Applicant MODESTE MARIN
3. Post Office Address SELBY
4. Amount of Water claimed 4.57
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 320
7. Water to be diverted and used in WALWORTH County
about 9/11, 65 miles of SELBY
8. Proof of Publication Received 5-7-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 2238-3Map No. 1631-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Modeste E. Marin and Marion L. Marin, husband and wife
Postoffice address Selby, South Dakota, State SD
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Marin #2
4. Amount of water claimed (cubic feet per second) 4.57 cubic feet per second
5. Source of water supply Missouri River
6. Location of point of diversion Beginning at a point 920 feet North of the SE corner of the SW 1/4 of the S 1/4 of the S 1/4 of Section 10 in segment 0-1513 in Township 122N, R. 78W, 5th P. M., thence 10 feet on either side of a line in a 45 degree northwesterly direction a distance of approximately 950' to the water edge of the Oahe Reservoir, said parcel being .46 Walworth, S.D. acres more or less
7. Annual period or periods during which water is to be used April 1st to November 1st
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 320

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW 1/4-7-122-77	160		
SE 1/4-12-122-78	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Selby Record, Selby, South Dakota
12. Principal Features of the Proposed Water Supply System.

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

Centrifical pumps with electric motors

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

Closed pipe line

C. Works proposed to apply water to beneficial use.

Sprinkler systemEstimated Total Cost \$ 58,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of WALWORTHI, Modeste E. Marin & Marion L. Marin, husband and wife

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Modeste E. Marin

Signed

Marion L. Marin

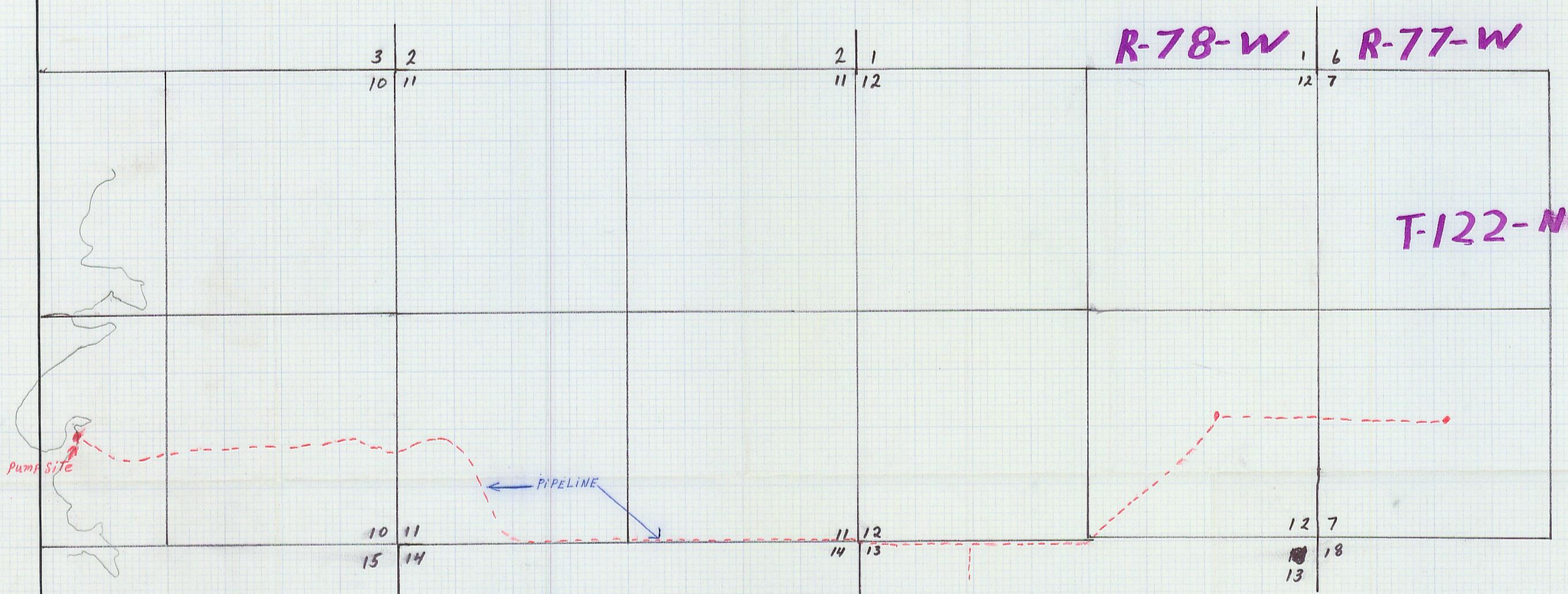
Subscribed and sworn to before me this

14

day of

March1975

Notary Public (or other qualified officer)



8" mile

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn <i>Douglas Smith</i>	4-2-25	Title.....
Traced.....	Sheet.....	Drawing No.....
Checked.....	No.....	of.....

MAP NO 1631-3 (APPL NO 2238-3)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2238-3
MODESTE E. & MARION L. MARIN SELBY
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57472 With the following modifications:
 (State)

Date of first receipt of application MARCH 18, 19 75
 Date of return to applicant for correction, amendments or changes required MARCH 31, 19 75
 Date of receipt of corrected application APRIL 11, 19 75
 Approved MAY 22, 19 75, Recorded in Book 13 Page 284

WATER RIGHT PERMIT NO. 2238-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2238-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 18, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 22, 19 76
3. The whole of said work is to be completed on or before MAY 22, 19 78
4. The limit of time for a proof of beneficial use of water appropriated in accordance herewith is MAY 22, 19 80
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 4.57 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 22, 19 80; said water to be used during the following described annual period: APRIL 1 TO NOVEMBER 1

Witness my hand this 28TH day of MAY, 19 75

WATER RIGHTS COMMISSION

By:

Vernell W. Butler
 Acting Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Publish first publication, on or before May 8, 19 75NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 17, 19 75Notice is hereby given that Modeste E. and Marion L. Marinwhose post office address is Selby, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use4.57 cubic feet of water per second of time from the Missouri River through theMarin #2, the point of diversion of which is to be located in the _____SE 1/4 SW 1/4of Section 10, Twp. 122N, Range 78W. Said water to be used for the purpose of providing irrigation on the following described land:SW 1/4, Section 7, T122N, R77W and SE 1/4, Section 12, T122N, R78WThis application No. 2238-3 will be considered by the Water Resources Commission at their office atPierre upon the 21st day of May, 19 75, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Modeste E. Marin, Selby, S.D. 57472

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Walworth)

NOTICE OF
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
April 17, 1975

Notice is hereby given that Modeste E. and Marion L. Marin whose post office address is Selby, South Dakota have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.57 cubic feet of water per second of time from the Missouri River through the Marin No. 2, the point of diversion of which is to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Twp. 122N, Range 78W. Said water to be used for the purpose of providing irrigation on the following described land: SW $\frac{1}{4}$, Section 7, T122N, R77W and SE $\frac{1}{4}$, Section 12, T122N, R78W.

This application No. 2238-3 will be considered by the Water Resources Commission at their office at Pierre upon the 21st day of May, 1975, at 2:30 p.m. All interested persons may appear and be heard.

Water Resources
Commission
By: Burton F. Jones
Water Rights Specialist
424-51

I, Ida K. Clement, editor, hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Selby Record

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City Selby of Selby

County of Walworth and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

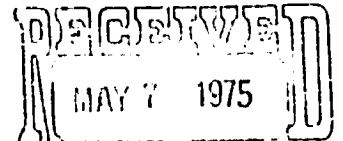
April 24, 1975

May 1, 1975

Ida K. Clement
(Signature)

Editor By Record
(Title)

May 6, 1975
(Date Signed)



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 2238-3Water Division 3 Missouri River Water District

Hold copy of report
Pumps at River
Pumps at Reservoir
Pumps at
Pumps at

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Modesto E. Marin
Marin of Selby, South Dakota, 57472 holder
of Permit No. 2238-3, bearing date of priority of March 18, 1975
authorizing the diversion of 4.57 cu. ft. per second of the waters of Missouri River
for Irrigation purposes, in Walworth County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

- A. Works used to divert the water: Pump at River: - Toshiba, Model B1252 VCC34, Ser # 50392771, 12.5 HP, 3550 RPM.
Pump: Peerless, Pumping 1000 gpm. into a regulating reservoir.
Booster Pump at Reservoir: - Motor Toshiba, Model B1252 VCC34, 12.5 HP, 3535 RPM.
Pump: Peerless, Pumping 1000 gpm.
- B. Works used to transport water to place of use,
14,300 ft of 10" Dia. Aluminum Pipe.

C. Works used to apply water to beneficial use.

A Zimmatic Center Pivot, Model 310 is used in this Permit
in the SE $\frac{1}{4}$ of Section 12 and in the NW $\frac{1}{4}$ of Section 13 under
Permit # 2054-3. A second Zimmatic Center Pivot is used in
the SW $\frac{1}{4}$ of Section 7 and in the NW $\frac{1}{4}$ of Section 7 under Permit
No. 3569-3

The system is in the following condition: ExcellentThe point of diversion is located See description belowThe works are capable of diverting and conveying to the place of use 2.23cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: In Section 12, T122N R78WNW $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 Ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 Ac. SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 Ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 Ac.In Section 7, T122N R77W. NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 Ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 Ac.SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 Ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 Ac.comprising a total of 264 acres of land.

Point of diversion: - Beginning at a point 920 ft North of the SE corner of
the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 10. in a segment
Q-1513 in Township 122N, R78W, 5E PM. Thence 10 ft on either side
of a line in a 45 degree Northwesterly direction a distance of
approximately 930 ft to the water edge of the Odhe Reservoir,
said parcel being 46 acres more or less

Date

(Signature)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

MODEST E MARIN
BOX 281
SELBY, SD 57472

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2238-3, 3569-3, 2059-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2238-3, 3569-3, 2059-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 13, 1987

2059-3
(2238-3)
3569-3

Modest E Marin
Box 281
Selby, SD 57472

Dear Mr. Marin:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2059-3, 2238-3 and 3569-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 29, 1988

MODEST E MARIN
BOX 281
SELBY, SD 57472

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2059-3, 3569-3, 2238-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2059-3, 3569-3, 2238-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 4, 1983

2059-3
2238-3
3569-3

Modest E Marin
Box 281
Selby, SD 57472

Dear Mr. Marin:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 2059-3, 2238-3, and 3569-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

2238-3
AF 2054-3

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Modest E. Marin
Box 281
Selby, SD 57472

Dear Mr. Marin:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

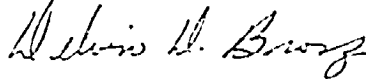


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3552).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division



2238-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JGE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

SEP 6 1995

3569-3

Modeste E. and Marion L. Marin
P.O. Box 281
Selby, SD 57472-0281

Dear Mr. and Ms. Marin:

Enclosed is Water License No. 3569-3 and Receipt No. 413754 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 3569-3 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

rd
enclosures

NOTE: The applicable portions of Water Permit No. 2238-3 have been incorporated into this Water License No. 3569-3.

5

156.0

308.1

136C

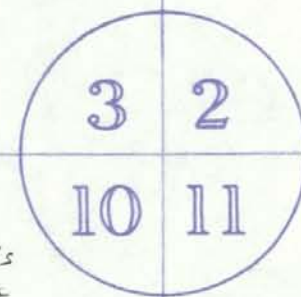
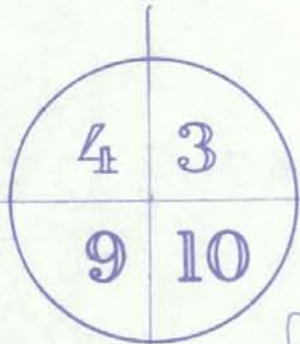
151.4

122-78

158.3

159.3

136C Map 16 31-3
Appl. 2238-3



Note: According to the USGS Map and aerial map, this water right map has the river plotted wrong according to section lines. The SW corner of section 10 should be plotted 600 ft N and 700 ft West.
Leroy J. Memmough
 10-7-77

MISSOURI
 RIVER

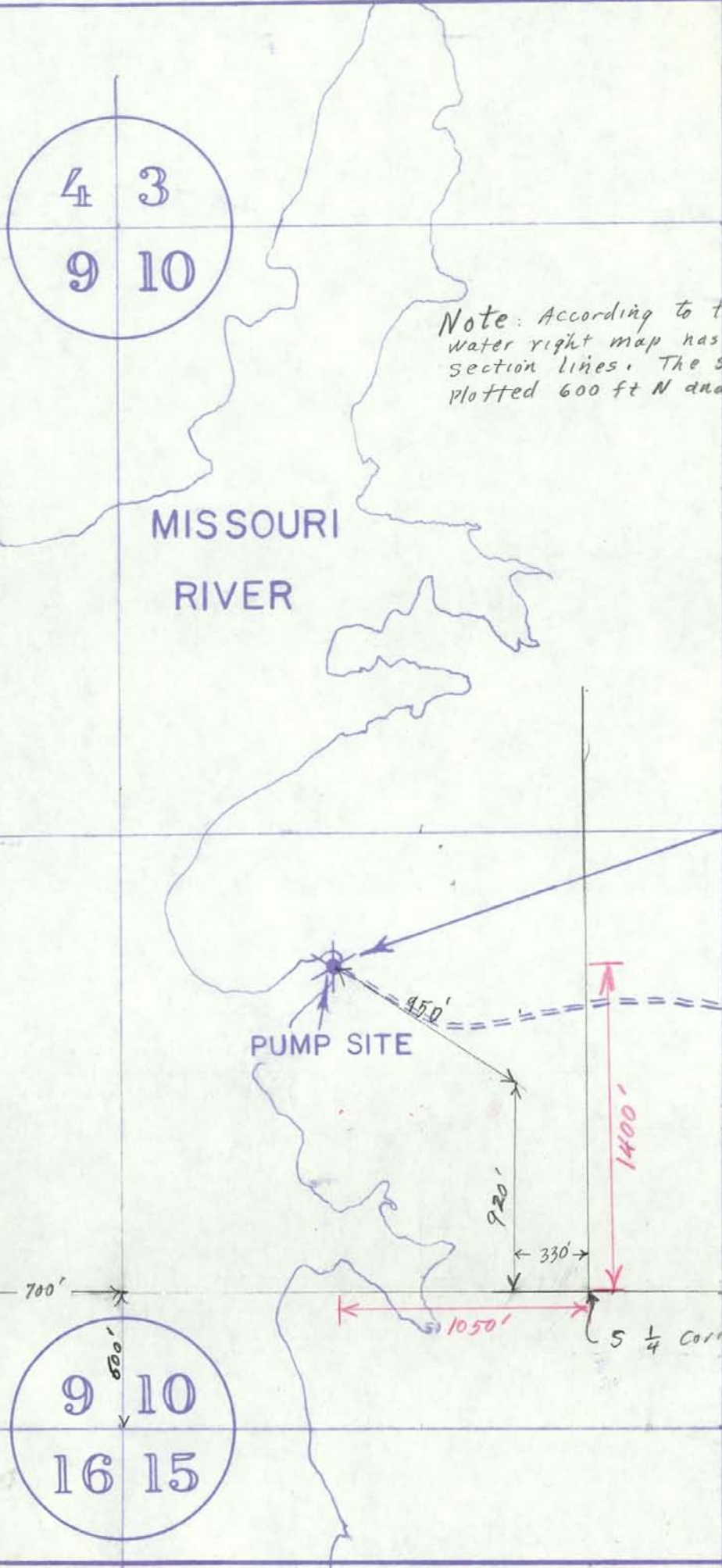
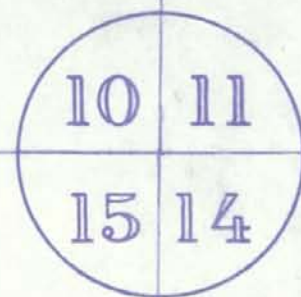
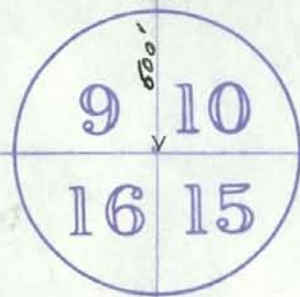
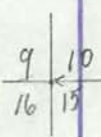
POINT OF DIVERSION:
~~1780 FEET S. 71° W.~~
~~OF CENTER OF SEC.~~
 10, T. 122 N., R. 78 E,

See Application for Correct
 Diversion Point location.
LJ Memmough
 10-7-77

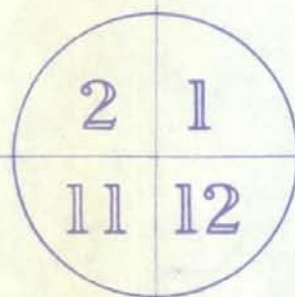
PUMP SITE

PIPELINE

10" Dia



R78W



IRRIGATED LAND
(320 acres)

OWNER: MODEST

NW 1/4 SE 1/4 - 33 Ac.

NE 1/4 SE 1/4 - 33 Ac.

SW 1/4 SE 1/4 - 33 Ac.

SE 1/4 SE 1/4 - 33 Ac.

10" dia. A.E. Pipe

14,300 ft pipe from river to here

9600 ft 10" dia Aluminum Pipe from river to here

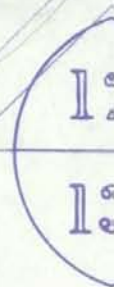
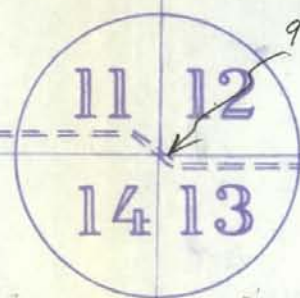
10" dia Aluminum

8" dia Steel underground to CP for Appl.

2059-3 (160 Ac.)

Note: One CP Moved between NW 1/4 of 13 & SE 1/4 of 12.

pm



Aluminum Pipe

E

R 77 ~~E~~

6

7

6

5

7

8

*Generate
C.P.
for NW 1/4*

Appl. 3569-3 includes
NW 1/4-7, SE 1/4-7 & NE 1/4-12

10" dia. Steel Pipe. Underground.

E. & MARION L. MARIN

NW 1/4 SW 1/4 - 33 AC

NE 1/4 SW 1/4 - 33 AC

c. underground.

CP

SW 1/4 SW 1/4 - 33 AC

SE 1/4 SW 1/4 - 33 AC

Note: on CP moved between
SW 1/4 of 7 and NW 1/4 of 7.

Lpm

~~Map # 1631-3~~

APPL. # 2238-3

Map 1631-3

7

8

18

17

R 78 E W R 77 W

1
12

1 6
12 7

6 5
7 8

IRRIGATED LAND
(320 acres)

T 122 N

OWNER: MODESTE E. & MARION L. MARIN

12
13

12 7
13 18

7 8
18 17

map # 16313 (APP 2230-3)

