

2010 Legal and Public Notices

4+22+29 & 5+6+13

NOTICE OF HEARING

Pursuant to SDCL 21-37-4

In the Matter of a Name Change for Shelby Marie Pochop, Minor Child of Carrie Lynn (Pochop) Mastalir, Biological Mother and Heath Alan Gustafson, Biological Father, Petitioners.

Time and Place of Hearing: Monday, May 23, 2011, at 9:30am at the Yankton County Courthouse, Yankton, South Dakota.

Petitioner is seeking a name change from Shelby Marie Pochop to Shelby June AnnMarie Mastalir.

Presented for Publication by Kerri Cook Huber Blackburn & Stevens, Prof. L.L.C. 100 W. 4th Street, Yankton, SD 57078 (605)665-5550

4+29 & 5+6

NOTICE OF APPLICATION NOS. 7240-3 and 7241-3 to Appropriate Water

Notice is given that Karl Schenk, 946 Wynstone Dr., Jefferson SD 57038 has filed the following applications for a water permit.

Application No. 7240-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in NW 1/4 SE 1/4 Section 15 for irrigation of 160 acres located in the SE 1/4 Section 15; all in T93N-R54W.

Application No. 7241-3 proposes to appropriate 1.78 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the SW 1/4 NE 1/4 Section 21 to irrigate 160 acres located in the NE 1/4 Section 21; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7240-3 and 7241-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 16, 2011.

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

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2010 Legal and Public Notices

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IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON: SS

PRO. NO. 11-5

ESTATE OF

DOROTHY D. FELTS

Deceased

SECOND AMENDED NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN THAT on February 4, 2011, Richard A. List., whose address is P.O. Box 393, Yankton, SD 57078, was appointed as Personal Representative of the Estate of Dorothy D. Felts.

Creditors of Decedent must file their claims within (4) four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the Personal Representative or may be filed with the Yankton County Clerk of Courts, with a copy of the claim mailed to the Personal Representative.

Dated this 5th day of April, 2011.

/s/
Richard A. List
P.O. Box 393
Yankton, SD 57078
(605)660-3841

Jody Johnson, Clerk
Yankton County Courthouse
410 Walnut, Suite 205
Yankton, SD 57078
(605)668-3080

Wanda Howey-Fox
HARMELINK, FOX & RAVNSBORG LAW OFFICE
P.O. Box 18
Yankton, SD 57078
(605)665-1001

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YANKTON SCHOOL DISTRICT 63-3

ADVERTISEMENT TO BIDDERS

Sealed bids for furnishing Copy Paper will be received by the Business Manager until 1:30 p.m. Tuesday, May 3, 2011 at which time bids will be opened, read aloud and witnessed by Denise Wubben in the School Board meeting room in the Yankton School District Administration Building at 2410 West City Limits Road, Yankton, South Dakota. The School Board reserves the right to reject any and all bids and to waive any irregularities or informalities therein.

Jason L. Bietz
Business Manager

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Suspended Judge Pleads For His Job

CHET BROKAW
Associated Press

PIERRE — A circuit judge facing discipline for mistreating lawyers, court personnel and others said Thursday he is ashamed of his behavior but believes he could return to the bench and be an effective judge.

In a five-minute speech punctuated by several pauses as his voice choked with emotion, Circuit Judge A.P. "Pete" Fuller of Rapid City asked the South Dakota Supreme Court not to remove him from office.

Fuller said during the six months he has been suspended, he has received counseling to deal with anger and the way he treats people.

"I know I have changed," Fuller said. "I'm not perfect, but I have changed."

However, a lawyer representing the state Judicial Qualifications Commission said it recommends Fuller be removed or forced to retire because he repeatedly displayed a lack of courtesy and respect for lawyers, court staff and others. Fuller should be removed to preserve public respect for the judicial system, commission lawyer Michael J. Schaffer of Sioux Falls said.

"If it's to be held in that high regard, and I think it should, conduct like this cannot be dismissed," Schaffer said.

The case marks the first time in the 121-year history of the South Dakota judicial system that the Supreme Court has been asked to remove a judge from the bench. The high court will issue a written decision later.

The justices asked a few questions Thursday about the Judicial Qualifications Commission's procedures, but otherwise did not indicate how they view the case.

The 68-year-old judge has asked that he be allowed to keep working until he reaches the mandatory retirement age of 70 in 2013. His lawyers told the high court he could be punished

with a public censure and then returned to work as long as he meets certain conditions.

The Judicial Qualifications Commission began its investigation after the Rapid City police chief, Pennington County sheriff and the county state's attorney filed a complaint claiming Fuller referred to law officers as a "bunch of racists" during a juvenile court hearing on a traffic stop involving American Indians. The judge responded to that initial complaint by writing "The allegation is correct."

The commission's investigation also found that Fuller used vulgar language, treated court personnel badly when he presided over court in Fall River and Custer counties, used a disrespectful term to refer to minors appearing in juvenile court, made an obscene gesture to an attorney in open court, and told a female student intern the legal profession was better off before women became lawyers.

Deputy clerks of court in Fall River County refused to go into his courtroom because of the way he treated them, according to the commission.

The investigation also found that Fuller once referred to a painting of American Indians on his courtroom wall and said: "This is where I hang my Indians."

Jack Hieb of Aberdeen, one of the lawyers representing Fuller, said the judge thought he was being funny when he made some of those remarks. In other states, judges who have made mistakes but not violated the law have not been removed from office until they have been given a chance to change their behavior, he said.

Most of Fuller's objectionable conduct was never pointed out to him at the time because people did not want to upset or alienate the judge, Hieb said. The judge never broke any laws or demonstrated incompetence as a judge, he said.

Nebraska Board Predicts Boost In Tax Collections

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — The board that forecasts Nebraska's tax collections offered a sunnier outlook Thursday for government revenue but cautioned that the state could still slide into trouble.

The Nebraska Economic Forecasting Advisory Board estimated that tax collections for this fiscal year, which ends June 30, would be \$82.5 million higher than expected. That money, by law, will funnel into the state's cash reserve.

Elk Creek Sen. Lavon Heidemann, chair of the budget-writing Appropriations Committee, said the state is expected to collect roughly \$150 million in tax revenue beyond earlier projections over the next two fiscal years. Lawmakers are set to start debate on the budget Monday, as the session nears an end.

Heidemann said the revenue estimates will have little impact on the immediate budget.

"Hopefully we're establishing a trend that will continue, but for me this doesn't really change anything," Heidemann said. The current spending plan "is a good, responsible budget. We're going to stand behind the

budget we have."

Heidemann said lawmakers have resolved an earlier \$1 billion gap in the state's two-year budget, although lawmakers still need to approve money for state services. Heidemann has said he will fight any attempts to "throw a spending party" with the extra money.

In a statement, Gov. Dave Heineman warned against overconfidence.

"Two months of above-average receipts is not a trend," the governor said. "It's good news, but any additional new revenue at this time should be used to rebuild the cash reserve."

The projections are based on new construction, inflation, commodity and gas prices and other economic indicators throughout the state. Board members use the information to predict how much money the state will collect from sales taxes, individual and corporate income taxes, and miscellaneous taxes.

Board members said Nebraska's economy appeared to be the rebound, but voiced concerns that rising gas prices could slow the growth.

"You just don't know where we're going to go in a year or two," said board member Steven Ferris, of Lincoln. "There are a lot of cross-currents that could affect the economy. But generally speaking, things are going well."

Neb. Court Rejects Former Candidate's Lawsuit

LINCOLN, Neb. (AP) — The Nebraska Supreme Court has rejected a former legislative candidate's defamation lawsuit against the state Republican Party over campaign flyers.

The *Lincoln Journal Star* says the court ruled Thursday that tone of the publications constitute opinion and is protected by the First Amendment.

Democrat Rex Moats, of Omaha, sued the GOP after losing in the November 2008 election, saying he was defamed by 11 campaign flyers. The flyers referenced Moats' work with a vehicle-repair insurance company that failed in 2003 and left about 500,000 people without coverage. In the mailings, the Nebraska GOP claimed Moats received a \$50,000 trust fund from the insurance company and misled creditors and the public.

Nebraska Lawmakers Override Heineman Veto

LINCOLN, Neb. (AP) — Nebraska lawmakers have overridden Gov. Dave Heineman's veto of a bill that would help nursing homes offset expected Medicaid cuts.

Lawmakers voted, 44-0, Thursday to override the veto. Heineman announced Tuesday that he had vetoed the bill (LB600) by Lincoln Sen. Kathy Campbell and an unrelated measure (LB204) to require blood-lead screening for children entering kindergarten. Both vetoes were Heineman's first for this session.

Campbell's bill would allow nursing homes to raise additional federal matching funds to offset likely cuts in Medicaid rates. Heineman said he vetoed the measure because it would increase taxes on nursing home patients.

Omaha Sen. Brenda Council, who introduced the blood-lead screening bill, has said she also will challenge Heineman's veto as well.

2 S.D. Teachers Chosen For Presidential Award

ST. LOUIS (AP) — Two teachers in western South Dakota have been chosen for the Presidential Award for Excellence in Mathematics and Science Teaching.

Constance Ahrens of Rapid City received the award for math. Deborah Thorp of Lead (lead) received the award for science.

They're among 85 teachers honored nationally. The award alternates annually between kindergarten through 6th grade teachers and those teaching 7th through 12th grades. This year's award was given at the K-6 level.

Missing S.D. Prison Inmate Apprehended

ST. LOUIS, S.D. (AP) — An inmate who walked away from the minimum-security unit at the state penitentiary in Sioux Falls is back in custody.

State Corrections officials say Kent Davidson was apprehended in Sioux Falls on Thursday morning.

The 34-year-old Davidson walked away from the prison on Monday. He's serving a five-year sentence for forgery in Tripp County.

Neb. Mom Accused Of Using Son's SSN

LINCOLN, Neb. (AP) — A Nebraska woman who worked as a Medicaid biller for a child mental health center in Lincoln is suspected of using her 6-year-old son's Social Security number to allegedly get a clean criminal background report.

Lincoln police say 37-year-old Jeannette Johnson, of Ashland, was cited on Wednesday on suspicion of identity theft and criminal impersonation. She allegedly used the number on an employment application.

Police say if she had used her own Social Security number, a check would have shown a prior felony conviction. Authorities also say she checked "no" on the application where it asked if the applicant had been convicted of a felony.

Neb. Could See Serious Grasshopper Problem

NORTH PLATTE, Neb. (AP) — Nebraska extension officials say the western part of the state could have a major problem with grasshoppers this year.

Officials say over 13.5 million acres are at high risk for serious infestations. It's based on a 2010 fall survey of adult grasshoppers by the Animal Plant Health Inspection Service. Officials say the number of adult grasshoppers is an indication of how many eggs were laid in the fall, which is the overwintering state of most grasshopper species.

Officials with the West Central Research and Extension Center say due to the potential threat, ranchers and landowners in the high risk areas should monitor the situation during the egg hatching and early growth periods in May and June.

Petitions Circulating To Recall Huron Mayor

HURON, S.D. (AP) — Some Huron residents who believe the city's police chief had his right to free speech violated are circulating petitions to recall the mayor.

Spokesman Ron Volesky tells KELO-TV that the group holds Mayor Dave McGirr responsible for the city's decision to put Chief Doug Schmitt on administrative leave after he caused a stir with comments about illegal immigrants to a state Senate committee. Schmitt resigned late last month.

McGirr says the police chief matter is a personnel issue and he can't comment. He says the recall petition drive won't affect his work as mayor.

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