

2010 Legal and Public Notices

to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available.

The Water Management Board will consider this application at 1:00 p.m. on March 6, 2013 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 February 25, 2013. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The March 6, 2013 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by February 25, 2013. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by February 25, 2013 at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is February 25, 2013. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25:02; 74:02:01:35:01.

Steven M. Pimer, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of \$59.75.



Bitterly Divided Senate Panel Approves Hagel

BY DONNA CASSATA
Associated Press

WASHINGTON — A bitterly divided Senate panel on Tuesday voted to approve President Barack Obama's nomination of Chuck Hagel to be the nation's defense secretary at a time of turmoil for the military with looming budget cuts, a fresh sign of North Korea's nuclear ambitions and drawdown of U.S. forces in Afghanistan.

The Armed Services Committee voted 14-11 to send the nomination to the full Senate, with all the panel's Democrats backing the president's choice to succeed Defense Secretary Leon Panetta. The committee's Republicans were unified in their opposition to their onetime colleague, a former two-term Republican senator from Nebraska and twice-wounded Vietnam combat veteran.

Senate Majority Leader Harry Reid, D-Nev., said he would move ahead with a full Senate vote despite Republican complaints that he was "jamming it through." A vote is expected on Thursday, and barring any surprises, the Senate is likely to confirm Hagel for the president's second-term national security team.

Hagel, 66, would take charge of a military facing deep cuts in projected spending; challenges from North Korea, Iran and Syria; and the reduction of U.S. combat forces in Afghanistan.

Democrats, who hold a 55-45 edge in the Senate, have the numbers to confirm Hagel on a majority vote, but would need the support of five Republicans before an up-or-down vote on the president's Cabinet choice would be allowed.

More than a dozen Republicans oppose the nomination, and the committee's ranking Republican, Sen. Jim Inhofe of Oklahoma, is insisting that any confirmation be based on 60 votes rather than a majority of the Senate. But several Republicans reject what would be an unprecedented effort to delay a vote on a Cabinet nominee for defense secretary.

Hagel faces fierce opposition from Republicans who have challenged his past statements and votes on Israel, Iran, Iraq and nuclear weapons. Just hours before Tuesday's vote, foes circulated a memo arguing for more information about Hagel's personal finances and highlighting past statements by Democratic senators demanding further disclosures when the Senate considered nominees by Republican presidents.

The panel's chairman, Sen. Carl Levin, D-Mich., said the GOP demands were beyond the scope of those traditionally asked of previous nominees. Republican and Democrat — a point echoed by his Republican colleague, Sen. John McCain of Arizona.



Hagel

But Sen. Ted Cruz, R-Texas, continued to demand that Hagel provide personal financial information for the past five years instead of the standard two years of committee and Senate rules, and suggested that the panel doesn't know whether Hagel received compensation from "extreme and radical groups." He also suggested that Hagel was hiding information.

That angered Levin, who rejected the notion of a different standard for Hagel than for other nominees and said he was "not going to accept your suggestion and innuendo."

Sen. Bill Nelson, D-Fla., accused Cruz over going over the line.

"You basically have impugned the patriotism of the nominee" with suggestions that he is cozy with Iran, Nelson said. "You also stated your opinion that you don't think he's truthful. Those are two fairly strong statements."

Inhofe said reported comments about Iranian leaders praising Hagel backs up Cruz's claim. "You can't get cozier," the panel's top Republican said.

The testy exchanges about Hagel prompted McCain to interject, "Sen. Hagel is an honorable man. No one on this committee should impugn his character and integrity."

Sen. Lindsey Graham, R-S.C., insisted that the former GOP senator was out of the mainstream. "He's in a league of his own," Graham said.

McCain, who was a close friend of Hagel's but split over the Iraq war and politics, said Tuesday he would vote against confirmation. However, late Monday McCain met privately with several committee Republicans and urged them not to filibuster the nomination, pointing out that the roles could be reversed someday with a Republican president and GOP-controlled Senate.

"I'm encouraging my colleagues if they want to vote against Sen. Hagel that's one thing, and that's a principled stand," McCain told a group of reporters. "We do not want to filibuster. We have not filibustered a Cabinet appointee in the past and I believe that we should move forward with his nomination, bring it to the floor and vote up or down."

All 55 Democrats are expected to back Hagel, and two Republicans — Sens. Thad Cochran of Mississippi and Mike Johanns of Nebraska — have said they will vote for the nominee. At least five Republicans have said they oppose a filibuster despite their reservations or opposition toward the nominee.

UN Security Council Condemns New North Korea Nuke Test

BY EDITH M. LEDERER
Associated Press

UNITED NATIONS — A united U.N. Security Council strongly condemned North Korea's nuclear test and pledged further action Tuesday, calling Pyongyang's latest defiant act "a clear threat to international peace and security."

All 15 council members, including North Korea's closest ally China, approved the press statement hours after the latest underground test. The statement called the atomic blast a "grave violation" of three U.N. resolutions that ban North Korea from conducting nuclear or missile tests.

The swift and unanimous response from the U.N.'s most powerful body set the stage for a fourth round of sanctions against Pyongyang.

The language in the statement, which pledged "significant action" in a new resolution, was stronger than the Security Council's initial reaction to North Korea's two previous nuclear tests and its most recent rocket launch. Diplomats said it reflects the growing anger at Pyongyang's continuing defiance of the council and the sanctions resolutions.

How tough the new sanctions will be will depend largely on China, North Korea's main trading partner. China has voted for the three previous sanctions resolutions but has resisted measures that would cut off the country's economy completely.

U.S. Ambassador Susan Rice said a number of new measures to tighten and expand the existing sanctions regime will be discussed with council members and other concerned countries in the coming days. She added in response to a question that financial sanctions would be "right for appropriate further action."

Tuesday's nuclear test followed a familiar North Korean pattern. Pyongyang

conducted its first two nuclear weapons tests weeks after rocket launches in 2006 and 2009, and this third test followed a rocket launch in December that the U.N. and the U.S. called a cover for a banned long-range missile test.

The Security Council noted that last month, in a resolution that strengthened sanctions in response to the December missile test, its members promised to take "significant action" in the event of a new nuclear test.

"In line with this commitment and the gravity of this violation, the members of the Security Council will begin work immediately on appropriate measures in a Security Council resolution," the council said.

The statement was read by South Korea Foreign Minister Kim Sung-hwan, whose country holds the rotating Security Council presidency this month. South Korea was elected to the council for a two-year term starting in January.

"North Korea will be held responsible for any consequences of this provocative act," Kim told reporters later.

Rice called the test "highly provocative" and said the North's continued work on its nuclear and missile programs threatens regional and international peace and "the security of a number of countries including the United States."

"They will not be tolerated," she said, "and they will be met with North Korea's increasing isolation and pressure under United Nations sanctions."

"The U.N. Security Council must and will deliver a swift, credible and strong response by way of a Security Council resolution that further impedes the growth of DPRK's nuclear weapons and ballistic missile programs and its ability to engage in proliferation activity," Rice said, using the initials of the North's official name, the Democratic People's Republic of Korea.

Fugitive Ex-Cop May Have Been Killed In Deadly Shootout With Calif. Police

BIG BEAR, Calif. (AP) — The extraordinary manhunt for the former Los Angeles police officer suspected of three murders converged Tuesday on a mountain cabin where he was believed to have barricaded himself inside, engaged in a shootout that killed a deputy and then never emerged as the home went up in flames.

A single gunshot was heard from within, and a charred body was found inside.

If the man inside proves to be Christopher Dornier, the search for the most wanted man in America over the last week would have ended the way he had expected — death, with the police pursuing him.

Thousands of officers had been on the hunt for the former Navy reservist since police said he launched a campaign to exact revenge against the Los Angeles Police Department for his firing. They say he threatened to bring "warfare" to officers and their families, spreading fear and setting off a search for him across the Southwest and Mexico.

"Enough is enough. It's time for you to turn yourself in. It's time to stop the bloodshed," LAPD Cmdr. Andrew Smith said at a news conference held outside police headquarters in Los Angeles, a starkly different atmosphere than last week when officials briefed the news media under tight security with Dornier on the loose.

A short time after Smith spoke Tuesday, smoke began to rise from the cabin in the snow-covered woods near Big Bear Lake, a resort town about 80 miles east of Los Angeles. Flames then engulfed the building — images that were broadcast on live television around the world. TV helicopters showed the fire burning freely with no apparent effort to extinguish it.

Senators Clash At Hearing On Balance Between Gun Rights, Restrictions

WASHINGTON (AP) — The toll of gun violence and the widespread disgust it has generated makes it time for new federal gun curbs that balance public safety with gun rights, Democrats said Tuesday at the Senate's latest hearing on restricting firearms.

Republicans said today's unenforced gun laws give criminals no reason to fear ignoring those laws. And they warned that the Constitution's right to bear arms must be protected, even after unspeakable events like the December slaughter of 20 first-graders in Connecticut.

Each side trotted out their own legal experts, statistics and even relatives of people slain by gun-wielding assailants. In the end there was little partisan agreement, though Sen. Ted Cruz, R-Texas, said cooperation was possible on stopping straw purchases, in which someone legally buys a gun for a criminal or a person barred from owning one.

As always with guns, emotion and the issue's personal impact colored the day's session.

The crowded hearing room was filled with people from gun control groups and according to Sen. Richard Blumenthal, D-Conn., included relatives of some killed in the Newtown, Conn., elementary school shootings. Sen. Richard Durbin, D-Ill., chairman of the Senate Judiciary subcommittee holding the hearing, asked friends and families of gun victims to stand, and dozens rose.

As Budget Cuts Loon, Finger-Pointing Seems To Trumps Problem-Solving

WASHINGTON (AP) — Just about everyone in official Washington is in agreement that big across-the-board spending cuts at the Pentagon and throughout domestic federal programs on March 1 are a bad idea.

So far, however, the warring factions in the nation's capital seem more interested in finger-pointing than problem-solving.

Top House Republicans have embarked on a PR campaign reminding the public that the idea for the across-the-board cuts originated in Obama's White House.

Senate Democrats are preparing a bill to substitute about \$120 billion in alternative deficit cuts over 10 years and prevent the automatic cuts — in Washington parlance, a sequester — through the end of calendar 2013. Its biggest component is a \$47 billion tax increase on the rich; that is sure to prompt a GOP filibuster, probably successful, that will give Democrats political cover — and ammo.

"We again find ourselves in sad and familiar territory," said Senate Minority Leader Mitch McConnell, R-Ky. "Democrats sit on their hands until the last minute. Then they offer some gimmicky bill designed to fail."

CROSSWORD

By THOMAS JOSEPH

ACROSS

- 1 Résumé listing
- 5 Paint the town red
- 11 Touch on
- 12 Large lizard
- 13 Crisply fragrant
- 14 Sinew
- 15 Min. part
- 16 Flexed
- 17 Lift
- 19 Crony
- 22 Give one's case
- 24 Diver's gear
- 26 Shopping aid
- 27 Wallet bills
- 28 Tickle
- 30 Ventilation pipes
- 31 Puppy cry
- 32 Plot out
- 34 Gift tag word
- 35 Print units
- 38 Flowering shrub
- 41 Kin of PDQ
- 42 Train stops
- 43 Wise teacher
- 44 Abhor
- 45 Start the bidding

DOWN

- 1 Spielberg movie
- 2 Theater award
- 3 Crimps
- 4 Pig's place
- 5 Quick snacks
- 6 FBI employ-ees
- 7 Little one
- 8 Suffered from
- 9 Lennon's love
- 10 Scathing review
- 16 Auction signal
- 18 Feedbag fill
- 19 Enlivens, as writing
- 20 Aid in crime
- 21 Colleen
- 22 DVR button
- 23 South American city
- 25 Brilliant act
- 29 Wading birds

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Yesterday's answer

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|-------------------------|--------------------|
| 19 Enlivens, as writing | 30 Reservoir maker |
| 20 Aid in crime | 33 Comic tribute |
| 21 Colleen | 34 Ice chunk |
| 22 DVR button | 36 Foal's mother |
| 23 South American city | 37 Revolved |
| 25 Brilliant act | 38 Say further |
| 29 Wading birds | 39 Last letter |
| 40 Fitting | 41 Previously |

NEW CROSSWORD BOOK! Send \$4.75 (check/m.o.) to Thomas Joseph Book 1, P.O. Box 536475, Orlando, FL 32853-6475

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2-13

A X Y D L B A A X R
is L O N G F E L L O W

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

2-13 CRYPTOQUOTE

Q ' C V T S Q V S M Q G
K T D H U S T H Q X Y R A S T O T R D
Y I A Y W S J S Q T V G J V U O T R ' D Y
V T S Q V S M Q G K T D H U S T H Q X Y

R A S T C Q V Y . — L D R W Y H Y Y
Yesterday's Cryptquote: I DON'T DO WHAT I DO TO TRY AND BREAK A GLASS CEILING.
— KATHRYN BIGELOW

PRESS & DAKOTAN

2013 Beautiful Baby Contest

Chance To Win Prizes!

We will be featuring our annual **"Beautiful Baby Contest"** in print and online on **Wednesday, February 27, 2013.**

If you or someone you know has a child we would love to include them in our feature!

To enter, simply submit your photo and entry form with a \$10 submission fee by **Monday, February 18.**

First place winners in the following categories will receive a framed winners print and prizes from the following sponsors: Photography by Jerry, LilyCrest and JCPenney.

1) 0-12 Months
2) 13-24 Months
3) 25 Months-3 Years
4) 4-7 Years
5) Multiple Births

Beautiful Baby Contest 2013

Category # _____ Age: _____ Date of Birth _____

Child's Name _____

Parents Name _____

Address _____ Phone _____

Winners will be selected by the staff of Yankton Media Inc. Employees and family members of Yankton Media Inc. are ineligible to win.
*Submission of this form authorizes the publication of child's photo in this contest in print and online at www.yankton.net.
Submission fee (\$10) must accompany entry form to be valid.

Submit Entry To:
Yankton Daily Press & Dakotan
319 Walnut Street
Yankton, SD 57078

Entry Deadline:
Mon., Feb. 18, 2013