

2010

Legal and Public Notices

open to the public and interested persons are encouraged to attend. Additional information about the public hearing or accessibility can be obtained by calling the Finance Office at (605) 668-5221 during normal business hours.

Al Viereck
Finance Officer
Published once at the approximate cost of \$12.08.

2+14

NOTICE OF APPLICATION
NO. 7563-3 to Appropriate Water

Notice is given that Bernard Hall, 32429 478th Ave, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (125 feet deep) located in the E 1/2 SE 1/4 Section 20 for irrigation of 95 acres located in the SE 1/4 Section 20; all in T91N-R49W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7563-3 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

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 February 25, 2013.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$26.15.

2+14

NOTICE OF APPLICATION
NO. 7543-3 to Appropriate Water

Notice is given that Brian Kozak, 30620 417th Ave, Tyndall SD 57066 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Choteau:Tyndall Aquifer (240 feet deep) located in the SW 1/4 NE 1/4 Section 10 for irrigation of 249 acres located in the E 1/2 Section 10; all in T94N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7543-3 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

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 February 25, 2013.

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

2010

Legal and Public Notices

counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$23.83.

2+14+21

NOTICE TO BIDDERS

Sealed bids will be received by the City Commission of the City of Yankton, South Dakota, at 416 Walnut Street Yankton, South Dakota, at the office of the City Finance Officer of said City until 3:00 P.M. or may be hand delivered to the place of opening at 3:00 P.M. on the 27th day of February, 2013, at which time they will be publicly opened and read in the Second Floor Meeting Room of City Hall, Yankton, South Dakota. Disposition of said bid will be held on the 11th day of March, 2013, at 7:00 P.M. in the City of Yankton Community Meeting Room located in the Technical Education Center at 1200 W. 21st Street, Yankton, South Dakota.

Bids will be received on the following:

ONE (1) NEW STEEL TRANSFER STATION WALKING FLOOR TRAILER

FOR THE DEPARTMENT OF PUBLIC SERVICES CITY OF YANKTON/JOINT POWERS DEPARTMENT

Copies of the specifications may be obtained at the office of the Public Services Manager, 700 Levee Street, Yankton, South Dakota 57078 or by telephoning (605) 668-5211.

All bids must be submitted on forms provided by the City of Yankton.

The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and the lowest bid, and to approve the bond, if required.

Kevin Kuhl PE
Director of Public Services
City of Yankton, South Dakota

Dated: February 14, 2013

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Published twice at the approximate cost of \$47.97.

2+14

NOTICE OF HEARING on Application No. 7653-3 to Appropriate Water

Notice is given that Jeremiah Welsh, 29217 460th Ave, Centerville SD 57014 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one well to be completed into the Upper Vermillion:Missouri Aquifer (180 feet deep) located in the approximate center of the SW 1/4 Section 8 for irrigation of 85 acres located in the W 1/2 SW 1/4, NE 1/4 SW 1/4 Section 8; all in T96N-R52W. Applicant is requesting a diversion rate greater than the statutory limit.

SDCL 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 7653-3 until information is available to determine if there is reasonable probability that there is unappropriated water available for the applicant's proposed use. Pursuant to SDCL 46-2A-9, a permit 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

2010

Legal and Public Notices

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. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of \$65.70.

2+14+21

NOTICE TO BIDDERS

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FOR THE DEPARTMENT OF PUBLIC SERVICES CITY OF YANKTON/JOINT POWERS DEPARTMENT

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The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and the lowest bid, and to approve the bond, if required.

Kevin Kuhl PE
Director of Public Services
City of Yankton, South Dakota

Dated: February 14, 2013

-THE CITY OF YANKTON IS AN EQUAL OPPORTUNITY EMPLOYER-

Published twice at the approximate cost of \$47.97.

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Bids will be received on the following:

ANNUAL SUPPLY BITUMINOUS MIX

Copies of the specifications may be obtained at the office of the Department of Public Services, 416 Walnut Street, Yankton, South Dakota 57078 or by telephoning (605) 668-5211.

All bids must be submitted on forms provided by the City of Yankton.

The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and the most advantageous bid to the City, and to approve the bond, if required.

Kevin Kuhl, PE
Director of Public Services
City of Yankton, South Dakota

2010

Legal and Public Notices

Dated: February 14, 2013

-THE CITY OF YANKTON IS AN EQUAL OPPORTUNITY EMPLOYER-

Published twice at the approximate cost of \$42.61.

2+14+21

NOTICE TO BIDDERS

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Bids will be received on the following:

ANNUAL SUPPLY OF LIQUID ASPHALT

Copies of the specifications may be obtained at the office of the Department of Public Services, 416 Walnut Street, Yankton, South Dakota 57078 or by telephoning (605) 668-5211.

2010

Legal and Public Notices

All bids must be submitted on forms provided by the City of Yankton.

The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and the most advantageous bid to the City, and to approve the bond, if required.

Kevin Kuhl, PE
Director of Public Services
City of Yankton, South Dakota

Dated: February 14, 2013

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Card Number_____Exp Date_____3-4 digit code_____

ACH monthly draft is also available. Please provide a voided check and monthly withdrawal date.

Questions?

Contact: Jay Werth, YES! Campaign Director
803 E. 4th St., Yankton, SD 57078
605-668-4560 - jay@yanktonsd.com