

2010 Legal and Public Notices

tioner 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 once at the total approximate cost of \$37.24.

1+18+25  
YANKTON SCHOOL  
DISTRICT 63-3

ADVERTISEMENT TO BIDDERS

**Sealed bids for the furnishing of Gym Floor Resurfacing at YHS/SAC & Middle School** will be received by the Business Manager until 1:30 p.m., Tuesday, February 5, 2013 at which time bids will be opened, read aloud and tabulated in the meeting room in the 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  
Published twice at the approximate cost of \$21.46.

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YANKTON SCHOOL  
DISTRICT 63-3

Advertisement to Bidders

Sealed bids for **Roof Repairs at Lincoln & Webster Elementary School** will be received by the Business Manager until 1:30 p.m., Tuesday, February 5, 2013 at which time bids will be opened, read aloud by Jason Bietz and witnessed by Chuck Turner and tabulated in the meeting room at the 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  
Published twice at the approximate cost of \$18.88.

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YANKTON SCHOOL  
DISTRICT 63-3

ADVERTISEMENT TO BIDDERS

Sealed bids for **Painting at Beadle Elementary School** will be received by the Business Manager until 1:30 p.m., Tuesday, February 5, 2013 at which time bids will be opened, read aloud by Jason Bietz and witnessed by Chuck Turner and tabulated in the meeting room in the 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  
Published twice at the approximate cost of \$18.47.

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YANKTON SCHOOL  
DISTRICT 63-3

Advertisement to Bidders

Sealed bids for **Carpet Replacement at Beadle Elementary** will be received by the Business Manager until 1:30 p.m., Tuesday, February 5, 2013 at which time bids will be opened, read aloud by Jason Bietz and witnessed by Chuck Turner, and tabulated in the meeting room at the Administration Building at 2410 West City Limits Rd. 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  
Published twice at the approximate cost of \$19.37.

1+18+25  
YANKTON SCHOOL  
DISTRICT 63-3  
SALE OF SCHOOL  
PROPERTY  
THREE-BEDROOM HOUSE

Pursuant to the provisions of SDCL 6-13-4, Notice is hereby given that the School Board of Yankton School District 63-3, has by resolution dated the **14th day of January, 2013**, declared the student constructed house located

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at Yankton High School, 1801 Summit Street, Yankton, SD., no longer necessary, useful or suitable for the purpose it was acquired and has ordered the same sold by sealed bid.

Sealed bids for the three-bedroom house, 32' x 50' (including an 8' x 12' storage shed) will be received at the Administration Building located at 2410 West City Limits Road, Yankton South Dakota, by Jason Bietz, Business Manager of Yankton School District 63-3, up to the hour of **1:30 p.m., Tuesday February 5, 2013**, at which time the bids will be opened and read aloud by Jason Bietz and witnessed by Chuck Turner, in the School Board meeting room. Specifications, a virtual tour, pictures and the bid form are available on the school website at [www.ysd.k12.sd.us/studenthouse](http://www.ysd.k12.sd.us/studenthouse). An Open House will be held on Wednesday, January 30, 2013 from 3:30 p.m. until 5:00 p.m. at the construction site located on the west side of Yankton High School. The house is sold "as is" with no representations or warranties.

All bids must be made on and according to the forms provided. Bid forms may be obtained at the Yankton School District Business Office at the above address. Each bid submitted must be accompanied by a certified check, cashier's check or bank draft in the amount of \$1,000.00, payable without condition to Yankton School District 63-3 and proof of financial ability to pay full bid price. **The successful bidder will not be permitted to remove the property until final cash payment is made. Failure to remove the house by June 1, 2013 may, at the District's election, result in a \$100.00 per day assessment for each additional day it remains on School District property or the structure may, at the option of the School District, be removed and stored at the successful bidder's expense.**

Yankton School District 63-3 reserves the right to reject any and all bids or parts thereof, and to waive any irregularities of any bid. The Yankton School District 63-3 also reserves the right to award the contract to the highest responsible bidder as may be determined by the School Board. Published twice at the approximate cost of \$ 50.94.

1+18  
NOTICE OF HEARING UPON APPLICATION  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for 3 days, August 16-18th, 2013, from Yankton Area Riverboat Days, Inc. (Bonnie Pinkelman, Treasurer), City Hall Auditorium, Yankton, S.D.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, January 28, 2013, at 7:00 p.m. in the City of Yankton Community Meeting Room at the Technical Education Center, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota, this 14th day of January, 2013.

Al Viereck  
FINANCE OFFICER  
Published once at the approximate cost of \$17.87.

1+18+25  
Yankton School District 63-3

Notice of Request for Qualifications

Pursuant to SDCL 5-18B-29, Yankton School District 63-3 seeks to prequalify interested and qualified design-builders for the following project:

Implementation of Energy Conserving Measures and Facility Improvements at Yankton School District 63-3 Facilities.

The objective of Yankton School District 63-3 is to pre-qualify design-build firms to provide complete design-build proposals for the removal of asbestos and construction of the following energy improvements: (1) Lighting and electrical systems upgrades at all locations; (2) Gym air handling equipment upgrades at the four elementary buildings and Middle School; (3) HVAC upgrades in the south wing, computer labs, guidance office suite, breezeway, and split system units at Middle School; (4) Improvements to the

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domestic hot water system for YHS/SAC; (5) increased capacities for the cooling tower heat exchanger at YHS/SAC; and (6) system wide energy conservation measures. The budget limit for the proposed contract is \$2,400,000.

Interested providers shall be capable of providing Yankton School District 63-3 a comprehensive energy services and improvement program, which shall include: (a) design and installation of energy efficient equipment and systems, (b) maintenance of HVAC mechanical equipment and installed systems, (c) monitoring of energy costs, and (d) other dynamic system improvements including the installation of renewable energy systems.

All design-build firms seeking prequalification must submit a Statement of Qualifications as set forth in the Request for Qualifications. The Request for Qualifications may be downloaded from the Yankton School District website, [www.ysd.k12.sd.us/Energy-ConservingMeasures](http://www.ysd.k12.sd.us/Energy-ConservingMeasures), or obtained at the Business Office, 2410 W. City Limits Road, Yankton, South Dakota 57078.

All Statements of Qualification are due at Yankton School District 63-3's Business Office, 2410 West City Limits Road, Yankton, SD 57078, on February 5, 2013, at 1:30 p.m. Statements received after the deadline will be returned unopened and will not be considered.

A Design-Build Request for Proposal will be sent to each pre-qualified contractor. Yankton School District 63-3 reserves the right to reject any and all proposals.

Jason L. Bietz  
Business Manager  
Published twice at the approximate cost of \$55.71.

NOTICE OF APPLICATION NOS. 7493-3 and 7494-3 to Appropriate Water

Notice is given that Franklin Orr, 2821 Pedersen Rd, Vermillion SD 57069 has filed the following applications for a water permit.

Application No. 7493-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the SW 1/4 Section 11 for irrigation of 84 acres located in the S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 11; T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 7494-3 proposes to appropriate 1.78 cfs from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the approximate center of the NW 1/4 Section 14 for irrigation of 116 acres located in the NW 1/4 Section 14; T93N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7493-3 and 7494-3 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 January 28, 2013.

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 once at the total approximate cost of \_\_\_\_\_.

# Nebraska Chief Justice Touts Pilot Juvenile Program

BY GRANT SCHULTE  
Associated Press

LINCOLN, Neb. — A new state program is showing early success in helping Nebraska juvenile offenders complete their probation by allowing them to serve it in their communities instead of in custody, the state Supreme Court's chief justice said Thursday.

Chief Justice Michael Heavican said about 80 percent of the 600 juveniles who have enrolled since the program began on July 1 have completed their probation successfully. That's higher than the state average, he said.

The program offers community-based treatment and keeps juveniles out of detention centers while they receive treatment and social services. Children do not become wards of the state, and the program focuses on school attendance and parental involvement.

"Significantly, children do not have to become wards of the state in order to receive services from the project," Heavican said in his annual State of the Judiciary address at the Capitol. "Thus, not only does this project provide individualized treatment for children, but it is designed to save money for the state and assist our juvenile courts with case management."

Lawmakers signed off on the project last year while overhauling the state's child welfare services. The pilot program was originally introduced by Sen. Bob Krist of Omaha for Douglas County, but it was later expanded to include Scottsbluff and North Platte in western Nebraska.

Lawmakers are planning to introduce a bill that would expand the program over a two-year period, until it covers juveniles throughout the state.

Krist said lawmakers designated \$7 million for the Douglas County program. The Department of Health and Human Services initially predicted that the program would be underfunded, but Krist said the project is half done and has only used a third of its budget.

"Things are going very well," Krist said. "The money's always important, don't get me wrong. But more important than that is the success of the program itself. When you have an 80 percent success rate and a real drop in recidivism, that's a success story."

## Federal Reserve Says Farm Income May Drop In 2013

OMAHA, Neb. (AP) — The Federal Reserve predicts U.S. farm income could decline in 2013, but it depends upon how long the drought continues.

Roughly two-thirds of the nation has been in a severe drought since last summer. The Federal Reserve Bank of Kansas City, Mo., said Thursday that if it continues, prices of corn and other crops would remain volatile because of tight supplies. But if normal weather conditions return, crop prices would decline and lead to lower farm incomes.

The USDA predicted net farm income in 2012 would reach \$114 billion because of the combination of high crop prices and significant crop insurance payments because of the drought. That total would be the third-highest farm income on record even though it's 5 percent lower than the previous year.

The Federal Reserve's report looks at numerous factors that will influence farmers' financial health and how much farmers will make in 2013.

The consequences of the drought go beyond dollars and cents. Many farmers have said they would prefer to be able to grow and harvest their crops even if it means lower net income.

The 10th Federal Reserve District covers Kansas, Nebraska, Oklahoma, Wyoming, Colorado, northern New Mexico and western Missouri.

The Federal Reserve said farm profits may wind up lower this year, but that would help livestock producers because their feed costs would be lower. In the past two years, livestock producers have struggled to earn a profit because of high feed costs and the drought.

Current market prices suggest corn and soybean prices could be 10 to 15 percent lower by next fall. That would happen if weather conditions improve and farmers harvest a strong corn crop.

Corn prices have been high for several years because supplies remain tight amid strong demand from the ethanol industry, livestock producers and international buyers.

But the U.S. Drought Mitigation Center says the drought has shown few signs of easing. The latest weekly update shows that most of the central and western United States remains in drought.

The National Weather Service predicts that the drought is likely to continue in Plains and Western states at least through the end of April. And climatologists have said an abnormally large amount of snow would have to fall across the region to end the drought this winter.

The Federal Reserve said that if the drought continues into this year's growing season, farm income will likely be strong again. In drought, crop supplies would remain tight, so prices would be high.

Most farms are in good financial shape to withstand the drought because they have little debt and farmland values have increased.

Heavican said court officials are also planning a transitional living center for foster care youth with more than \$1 million in grant money. The facility in Hastings is set to open this summer. Several judges who preside around Sidney joined forces to create a housing unit where families can live independently while participating in substance abuse and mental health treatment. The first family enrolled in April, with joint funding from the state and federal government.

His speech focused heavily on juvenile services, technology needs and the challenges presented by a diverse group of non-English speakers who are drawn into court.

Heavican said the courts are seeing an increase in people who speak little or no English. Last year, the courts used interpreter services for 39 spoken languages and sign language for more than 20,000 hearings.

"These individuals come before our courts as victims, witnesses, defendants, and parents of juveniles," Heavican said. "Not only is it important that these individuals be heard, but it is equally important that judges, attorneys and jury members understand the testimony and arguments of non-English speakers so that justice can be served."

In the last six months, he said, courts in Sidney have relied on Czech interpreters for court proceedings. Interpreters who spoke the African languages of Dinka and Somali were summoned to proceedings in Grand Island, and Mandarin Chinese interpreters were sent to Valentine, Fremont, O'Neill and Kearney.

Interpreters skilled in K'iche, a Guatemalan language, were provided in Fremont, Hartington, Schuyler, Columbus, Madison and Grand Island.

Heavican said a study of language-access needs within the court will be finished later this year.

Nebraska courts are also turning to technology for interpreter services, such as video conferencing and telephones. Heavican said that since January 2010, the state has saved nearly \$100,000 in travel and other costs for interpreters.

Heavican said the courts are also looking at ways to become more efficient through technology. He pointed to a plan to use video conferencing in trials and an electronic document filing system for the appellate courts.

## Tax Expert Urges Caution To Neb. Senators

LINCOLN, Neb. (AP) — A national tax-policy expert is urging Nebraska lawmakers to move cautiously as they prepare for a possible overhaul of the state's tax system.

University of Connecticut professor Richard Pomp told a group of senators Thursday that sudden, dramatic changes to tax policy could have unintended consequences.

Republican Gov. Dave Heineman unveiled plans this week to eliminate the state's individual and corporate income taxes, while eliminating as much as \$2.5 billion in sales-tax exemptions for businesses.

Pomp says eliminating the income tax would make state revenue more volatile and less predictable for policymakers, because sales tax revenue can fluctuate with the economy.

The forum was sponsored by the OpenSky Policy Institute, a Nebraska tax-policy think tank. Executive director Renee Fry says Nebraska's tax code is outdated and needs a careful review.

## Neb.: High Radon Levels Common In Homes

LINCOLN, Neb. (AP) — Officials say high radon gas levels in homes across Nebraska continue to be common.

The state Department of Health and Human Services says 59 percent of the 48,000 homes tested for radon since 1990 have been above the acceptable health level set by the Environmental Protection Agency.

Radon is a colorless, odorless and naturally occurring gas that originates in the soil. It can build to dangerous levels in homes. The EPA says radon exposure causes approximately 21,000 lung cancer deaths per year.

Officials say people can reduce their exposure to the gas by sealing obvious cracks and openings in the foundation of their home. Owners of homes with high radon levels should have a licensed contractor install a permanent mitigation system.

## Powertech Files Application For Uranium Mine

PIERRE (AP) — Powertech Inc. has filed an application with the South Dakota Department of Environment and Natural Resources for a permit to mine uranium and vanadium near Edgemont.

DENR says the application is one of four the company has filed relating to the company's proposed injection-well uranium mine.

Powertech plans to pump groundwater into the underground ore deposits near Edgemont to dissolve the uranium. The water would be pumped to the surface, where the uranium would be extracted. The company estimates the mine would produce 1 million pounds of uranium oxide a year for 20 years.

Comments or petitions to intervene on the application must be filed with the department's Minerals and Mining Program by Feb. 19.

If petitioned, a hearing before the state Board of Minerals and Environment will take place.

## Nearly 70 Horses Seized Due To Neglect In S.D.

RAPID CITY (AP) — The Pennington County Sheriff's Office has started a criminal investigation after nearly 70 horses were impounded for neglect.

The 69 horses were seized after the Sheriff's Office obtained a court order Jan. 8.

The Sheriff's Office says the caretakers for the horses do not currently live on the property where the horses were located.

The court order approves the Sheriff's Office's plan to release several boarded horses to their actual owners and to transfer ownership of the remaining horses to new owners.

The investigation into the neglect of the horses remains ongoing.



### Advancing Our Commitment In Creighton

# TRUST

**Dr. Daniel Johnson will now see patients in Creighton**

Dr. Daniel Johnson, an orthopedic surgeon with Orthopedic Institute in Yankton, will now see patients in Creighton at Avera Creighton Hospital. Dr. Johnson received his medical degree from the University of South Dakota School of Medicine. He completed his orthopedic residency at the McLaren General Hospital in Flint, MI. Dr. Johnson specializes in general orthopedics, especially sports injuries, fractures, total knee replacements and upper extremity problems.

Orthopedic Institute has gained a reputation as the region's most trusted name in comprehensive orthopedic care. We're happy to regularly serve the Creighton area.

Dr. Johnson will see patients at Avera Creighton Hospital beginning January 24, and then will see patients the second Thursday of the month. To make an appointment, please call **605-665-0077** or toll free **1-888-331-5890**.



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