

2010 Legal and Public Notices

1+10

NOTICE OF AUDIT OF THE FISCAL AFFAIRS OF THE Yankton School District No. 63-3

Notice is hereby given that the Yankton School District No. 63-3, Yankton, South Dakota, has been audited by Williams & Company, P.C., Certified Public Accountants for the year ended June 30, 2013. A detailed report thereon is available for public inspection, during normal business hours, at the business office of the School District, the Yankton School District Website at <http://www.yisd.k12.sd.us/CAER>, City of Yankton Library and also at the Department of Legislative Audit in Pierre, South Dakota or on the Department of Legislative Audit website at http://www.state.sd.us/legislativeaudit/Reports/reports_all.htm. The following material weaknesses in internal controls and compliance findings were noted: 1.) The District business manager is involved in almost all phases of the finance operations, including preparation of journal entries, grant reporting, and financial reporting without sufficient 3rd party review of origination work. 2.) The auditors were required to propose and have management post adjusting journal entries to the fund financial statements in order for the financial statements to conform with U.S. generally accepted accounting principles. 3.) Some audited expenditure vouchers lacked written approval signatures and dates. 4.) The Schedule of Federal Expenditures is prepared entirely by the business manager with insufficient 3rd party review procedures. 5.) The Child Nutrition Cluster program and reporting is under the control of one employee with insufficient 3rd party review procedures. 6.) Compliance errors were noted in applicant qualifications for free or reduced meal status. More detail about these internal control and compliance comments can be found in the audit report.

WILLIAMS & COMPANY, P.C. Certified Public Accountants Published once at the approximate cost of \$22.18.

1+10

NOTICE OF APPLICATION NO. 7918-3 to Appropriate Water

Notice is given that Orin Abild, 30574 461st Ave, Wakonda SD 57073 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion-Missouri Aquifer (85 feet deep) located in the NW 1/4 SE 1/4 Section 33 for irrigation of 132 acres located in the S 1/2 NE 1/4 and N 1/2 SE 1/4 Section 33; all in T95N-R52W. 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. 7918-3 for 1.78cfs 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 January 20, 2014.

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. Pimer, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$26.48.

Call Classifieds
665-7811

2010 Legal and Public Notices

1+10+17

Notice is hereby given that a Supplemental Budget hearing will be held on Tuesday, January 21st at 3:45 PM at the County Government Center in the Commission Chambers on the following items: Jail Med Liability Ins: \$15,000.00 Zoning E911: \$2,000.00

Patty Hojem
Yankton County Auditor

Published twice at the approximate cost of \$10.73.

1+10

NOTICE OF HEARING on APPLICATION NO. 7919-3 to Appropriate Water

Notice is given that Larry & Marlene Erickson, 29859 461st Ave, Centerville SD 57014 has filed an application for a water permit to appropriate 1.83 cubic feet of water per second from one well to be completed to an approximate depth of 75 feet deep located in the approximate center of the NE 1/4 Section 9 for irrigation of 83.83 acres located in the NE 1/4 Section 9; all in T95N-R52W. The 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. 7919-3 pending the completion of the study by South Dakota Geographic Survey that is currently ongoing in the area. The information from the study is necessary to determine the source of water proposed in the application 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 recommendation, if revised will not be public noticed again. This is the opportunity to intervene regarding this application.

The Water Management Board will consider this application at 1:00 p.m. on March 6, 2014 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 24, 2014. 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, 2014 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 24, 2014. 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

2010 Legal and Public Notices

time, date and location.

Contact Eric Gronlund by February 24, 2014 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 January 20, 2014. 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 \$68.35.

Watt

From Page 1A

think it's just because we don't know what is going to happen in the next five months with the status of the school."

Among the issues that could have an impact on the school's future are funding issues, the April 5 presidential election and the impending decision by Afghanistan leadership about whether to agree to a bilateral security agreement with the United States that would allow more than 8,000 U.S. troops to stay beyond the end of the year.

Watt said her class of 21 has declined to 18.

"People don't know what is going to happen next year, so the people who can leave are starting to leave," she stated. "They know that if things go poorly, they want to be out of the country on their own terms."

The cloudiness of the future hasn't prevented Watt from deciding that she will commit to another year at the school.

"That's one of the first things our kids ask us when they come into the classroom: 'Are you going to come back next year?'" she said. "It kind of shows how much they ap-

MMC

From Page 1A

be part of the existing curriculum integrated into courses they already take so they don't have to do extra time or pay extra money."

Integration of the program will start in the fall semester. Kalsow said training sessions like this week's — which include faculty, students and other community leaders — are meant to brainstorm how the program will be implemented.

"What we're thinking about is having it introduced at the freshman level in first-year seminar Wisdom of Benedict classes," she said. "Then majors will take the concepts and implement them specific to the major, and then have them come back in a senior seminar format. That's the draft of what we want to do but it's not set yet. It's in the develop-

Corps

From Page 1A

the faculty at South Dakota State University in Brookings.

"The odd thing is the cold occurring that early, starting in early December," he said. "We have been consistently cold since early December. Then, even moving water can freeze up. The only period of relative warmth was just after Christmas. Otherwise, we have been quite cold."

The Ponca ice jams formed around Dec. 29-30, creating a dramatic and immediate impact, Farhat said.

"We saw a reduction in the flows moving downstream for the area," she said. "The Sioux City area dropped from 7 feet down to 4.8 feet (for its stage) over a matter of hours," she said. "In less than 12 hours, we saw a 2 to 2 1/2 foot stage drop."

The ice remains stable but creates a back-up of water that impacts upstream areas such as Yankton, Farhat said.

"Actually, it's a good condition," she said. "We would like to see the ice stay the rest of the winter and not go through that thaw and freeze. Right now, the water is flowing under the ice, and the intakes are operating as they should."

The ice jams aren't a concern right now, Farhat said, and she expects the ice will melt when the river warms up during the coming week. The Corps maintains a temperature gauge at each of its power plants, with the Missouri River averaging 32 degrees this time of year, she said.

MAKING ADJUSTMENTS

Because of the ice and other cold-weather factors, the releases at Gavins Point Dam near Yankton have remained higher than normal, according to the Corps' Mike Swenson. The releases have ranged from 13,000 to 18,000 cubic feet per second (cfs) this winter.

"We are at 15,000 cfs now at Gavins Point, and it can expect to be greatly reduced over the next several days as

precipitate us being there but maybe don't want to invest in you if they don't think you'll be coming back. When I saw their faces, it wasn't as hard of a decision to come back."

During the first semester, Watt said she observed growth in herself and the students.

"After four years of education, you'd think you'd be really prepared, but you're really not because they can't teach you how to bounce back when things go poorly in a lesson or students don't behave," she stated. "Classroom management has gotten much easier, as has lesson planning. The students have been changing, too. They've been learning. The children who fight have been fighting less. That's really encouraging. I don't know if I could stay if I hadn't seen a change in their attitudes and academics."

ISK has been attempting to raise money for a new location because it currently has to rent facilities at a high price, according to Watt.

Furthermore, many of the students who attend ISK depend on its Tuition Assistance Program. Annually, the school awards more than \$200,000 in scholarships. A large portion of that funding is in danger and could result in the loss of more than 100 students, Watt said.

As a fundraising effort, ISK recently broke a world record

for cutting out the longest paper doll chain. The ISK wanted to get a dollar for each of the 100,000 dolls.

"It was cool for the kids. They really thought it was a neat thing," Watt said. "We were hoping to raise \$100,000 and we only raised \$12,000. We got the word out as much as possible, but no one really wanted to give."

Parents and local leadership are supportive of ISK, and Watt said hope is not lost. "I think things like this have happened a lot in the school's history. Somehow, something always pulls through," she stated. "We have the support of staff that have been there seven or eight years saying, 'This looks really bad, but something will likely work out.'"

"If it doesn't, if we still feel like we're led to be there, something will pull together," Watt continued. "I think it's easier for those of us who are new to have optimism when we're looking into it, because we haven't been there as long and haven't been discouraged as many times."

Watt said it has been somehow easier to maintain optimism in Afghanistan than when she was back in Yankton.

"Being in Afghanistan and looking toward the future is not as scary," she stated.

While home, Watt spoke to a group at Calvary Baptist

"Actually, it's a good condition. We would like to see the ice stay the rest of the winter and not go through that thaw and freeze. Right now, the water is flowing under the ice, and the intakes are operating as they should."

JODY FARHAT

temperatures moderate," said Swenson, the power production team leader. "Our goal is to have Gavins Point releases as close as possible to the target flow of 12,000 cfs while serving the needs of the water intakes on the lower river."

However, the Corps won't force the issue of lower releases, Swenson said. "We will do so only when we don't have ice conditions," he said.

Upstream at Fort Randall Dam near Pickstown, releases averaged 13,900 cfs during December. Releases are expected to average 12,700 cfs this month and will be adjusted as necessary to maintain the elevation at Gavins Point.

The Fort Randall reservoir ended December at elevation 1337.8 feet. It is forecast to rise 7 feet by the end of the month.

Based on current conditions, runoff above Sioux City is forecast to be 26.1 million acre-feet (MAF) in 2014. That figure is up slightly from the 25.1 MAF recorded in 2013. Normal runoff is 25.2 MAF.

The Missouri River basin continues to feel the effects of 2012 drought, Farhat said. As a result, the Corps will continue last year's drought conservation measures.

"The reservoir system is in excellent condition to capture high runoff this spring should that occur," she said.

Given the river levels, the March and May spring pulses won't be conducted this year, Swenson added.

A BRIGHTER FUTURE

The U.S. Drought Mitigation Center's outlook calls for greatly improved conditions, said Corps senior hydraulic engineer Bill Doan.

Montana and the Dakotas have moved out of drought, while the majority of Nebraska, Kansas and Iowa have shown improvement.

The snowpack is light to moderate in southern South Dakota and Nebraska with an inch or less of snow.

Parts of the Central Plains experienced a wet autumn, which eliminated drought conditions in those areas, Today said. The Atlas blizzard dumped 40 to 50 inches of snow on the western Dakotas last October, while eastern South Dakota also experienced additional rainfall.

Portions of western South Dakota may see all-time state records for precipitation, Today said. "When you look at the percent of average precipitation for the water year starting Oct. 1, you see 200 to 300 percent of average precipitation for the Dakotas, Wyoming and Montana," he said.

Most of the Missouri River basin will remain relatively quiet during the next week, Today said. The two-week outlook calls for above-average temperatures, which should help take care of the Plains snowpack, he said.

However, the three-month outlook calls for below-average temperatures in the northern basin, Today said. The region will likely continue to receive cold outbreaks, but not nearly as cold as the polar vortex that rolled through the region earlier this week, he added.

January isn't a big time of year for precipitation, and Canadian cold fronts usually bring only light precipitation, Today said. However, activity should pick up in the coming months.

"We are seeing, over eastern South Dakota and down to Iowa, an area of above-average precipitation as we get into the middle of spring," he said.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf. Discuss this story at www.yankton.net/.

Church and to students at Webster Elementary School. The school did a fundraiser to purchase items Watt needs in her classroom — something for which she said she was very grateful.

Watt left for Afghanistan Thursday, and said her time at home with family was very enjoyable.

"You come back and everything is the same as when you left," she stated. "You know that you're different, but you don't know how that fits into what is going on back home. Everything felt really normal."

"I don't feel like I've processed any of what has happened in the past five months," Watt added. "It's like there are two different parts of my brain. I flip on the Afghanistan side and then slip on the stateside one again."

Watt will return to Yankton for two months starting in mid-June.

"I plan to travel as much as I can and talk to as many people as I can to generate more interest in the school," she said.

Watt writes a blog to keep friends and family updated on her experiences at <http://miss-watt.blogspot.com/>

You can follow Nathan Johnson on Twitter at twitter.com/AnInlandVoyage. Discuss this story at www.yankton.net/.

said. "What I've taken out of it is to listen to others more and, rather than give them advice and tell them what I think they should do, just question them about how they feel about things and help them come up with their own answers."

Kalsow said the ultimate goal of the program is to help set Mount Marty apart from other schools.

"What we tell students that come here is, 'You will get a good education at a lot of colleges, you just won't get this anywhere else'" she said. "This is the thing that will distinguish Mount Marty from any other college in the country."

For more information on the Fierce program, visit <http://www.fierceinc.com/index.php>

You can follow Rob Nielsen on Twitter at twitter.com/Rob-NielsenPandD/. Discuss this story at www.yankton.net/