

## 2010 Legal and Public Notices

6+25 &amp; 7+2

### NOTICE OF APPLICATION NO. 7202-3 to Appropriate Water

Notice is given that Willard Schmidt, 43970 306th St, Yankton SD 57078 has filed an application for a water permit to irrigate an additional 40 acres. Water Right No. 6483-3 appropriates 1.56 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (220 feet deep) located in SW 1/4 SE 1/4 Section 13 to irrigate 112 acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 13; all in T94N-R56W. This application proposes to irrigate an additional 40 acres located in the NE 1/4 NW 1/4 Section 24-T94N-R56W. This application, if approved, does not increase the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7202-3 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 July 12, 2010.

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.

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6+25 &amp; 7+2+9+16

### NOTICE OF HEARING: Pursuant to SDCL 21-37-4

In the Matter of a Name Change for Michelle Lee Honomichi.

Time and Place of Hearing: Monday, July 19th, 2010 at 10:30 am at the Yankton County Courthouse.

Petitioner is seeking a change of name from Michelle Lee Honomichi to Michelle Lee Hoyer.

Kerri Cook Huber  
Attorney at Law  
Blackburn & Stevens LLC  
4th & Douglas  
PO Box 753  
Yankton, SD 57078  
605-665-5550

7+2+9

### (First Notice) JAMES RIVER WATER DEVELOPMENT DISTRICT NOTICE OF PUBLIC HEARING TO ADOPT FY 2011 BUDGET

A public hearing will be held in Yankton, South Dakota at the Best Western Kelly Inn on July 15, 2010 at 9:15 A.M. to consider the proposed Water Development District budget for Fiscal Year 2011, beginning January 1, 2011.

The budget will be adopted pursuant to the authority vested by SDCL 1-26, 46A-2-8, and 46A-3E-11 and ARSD Chapter 74:05:06.

Proposed FY 2011 Budget Appropriations:	
Board of Directors	
Administrative & Technical Assistance	\$ 33,000.00
Legal and Consultant	308,500.00
Capitol Outlay	10,000.00
Project Assistance	20,000.00
Contingency	545,318.00
	50,000.00

## 2010 Legal and Public Notices

Balance for Long Term Debt/Cash Flow — 50,000.00  
Total FY 2011 Appropriations \$1,016,818.00

Means of Finance:	
Taxes (Except FY 2011 Levy)	\$ 2,500.00
Miscellaneous	1,700.00
Subtotal	4,200.00
WDD Tax Levy Request FY 2011	1,012,618.00
Total FY 2011 Means of Finance	\$1,016,818.00

The purpose of holding this hearing is to provide the public an opportunity to contribute to and comment on the Water Development District's proposed operating budget for Fiscal Year 2011.

Persons interested in presenting data, opinions, and arguments for and against the proposed budget may appear, either in person or by representative, at the hearing and be heard and given an opportunity for a full and complete discussion of all items in the budget.

7+2+9

### (Second Notice) JAMES RIVER WATER DEVELOPMENT DISTRICT NOTICE OF PUBLIC HEARING TO ADOPT FY 2011 BUDGET

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## ROAD

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it seemed to be taking precedence over Highway 50, he stated.

The contractor had hoped to finish the local project by May of this year. "Everything was weather-sensitive, so every time we got a rain, it set completion back," Peterson said. "It's been frustrating dragging it on this long. I've had several folks who live in Gayville and commute to Yankton ask me when it's going to be done. I told them the end of May, then the end of June and now it's mid-July."

One bright spot this year is the lack of accidents that have occurred in the construction zone. The SDDOT recorded at least five non-fatal accidents in that stretch last year. They were all attributable to driver error, but the number of accidents created safety concerns, nonetheless. No accident reports have been received by the local SDDOT office this year, Peterson said.

## Midwest Economic Index Dips But Suggests Growth

BY JOSH FUNK  
AP Business Writer

OMAHA, Neb. — The economic outlook in nine Midwest and Plains states remains positive, but a new report released Thursday suggests businesses in the region are less confident in their prospects than they were this spring.

The overall Mid-America Business Conditions index declined to 62.5 in June from May's 64.2. That's the first decline in the past seven months, but the reading remains positive because any score over 50 suggests economic growth in the next three to six months.

The confidence index slipped to 59.4 in June from May's 69 and April's 72.9.

"It is clear supply managers are becoming less confident about the economy," said Creighton University economist Ernie Goss.

The economic turmoil in Europe hasn't slowed business expansion in the Midwest, Goss said. The monthly report covers Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and South Dakota.

"While there remains weakness in the consumer sector, our survey of manufacturers and value-added service companies over the past several months signals very positive growth for the regional economy into the fourth quarter of this year," said Goss, who oversees the survey.

The report, which is based on a survey of supply managers and business leaders, uses a collection of indexes that range from zero to 100, and any score above 50 suggests economic growth in the next three to six months. Scores below 50 suggest a contracting economy.

The regional employment index declined to 58.3 in June from May's

60.1, but it remained above growth neutral and 30 percent of the businesses reported increasing employment. But the region's work force is still about 3.5 percent smaller than it was at the beginning of the recession.

"Even though the region will continue to add jobs, I expect unemployment rates for most states in the region to remain at elevated levels as firms remain overly cautious about hiring new workers," Goss said.

Hiring has improved but the pay outlook hasn't, Goss said. About 6 percent of the supply managers said they expect a pay reduction next year. That's up from 1 percent in January.

The prices-paid index, which tracks the cost of raw materials and supplies, fell to 68.8 in June from May's 80. Nevertheless, inflation remains a concern.

The improving global economy helped June's export orders index improve to 60.9 from May's 59.

The import index declined to 54.9 in June from May's 63.2.

For the fifth consecutive month, inventory levels increased in the region. The inventory index climbed to 55.1 in June from the previous month's 54.6.

Goss said inventory growth has been a positive factor, but consumer spending needs to increase before the prospect of another recession can be ruled out.

"Inventory buildups are not the basis for sustained economic growth," Goss said.

Other components of the overall index:

- New orders declined to 67 in June, from May's 72.4.
- Production or sales slipped to 70.6 in June from 72.2.
- Delivery lead time declined to 61.4 from May's 62.1.

## Dana College Closing

BY TIMBERLY ROSS  
Associated Press Writer

OMAHA, Neb.— Colleges in Nebraska and Iowa have agreed to take in students left in limbo in the wake of Dana College's sudden decision to close its doors.

The 126-year-old private college announced the closure late Wednesday, citing the Higher Learning Commission's refusal to back its sale to a group of investors. The commission would not transfer accreditation to the group of investors that announced plans to buy the school in Blair.

Dana officials were making arrangements Thursday to help its 600 to 650 full- and part-time students transfer elsewhere. More than a dozen schools, including the University of Nebraska-Lincoln and Grand View University in Des Moines, Iowa, agreed to accommodate them. Dana advisers were to meet with students next week.

"This is unfortunate news for these students and we hope all are able to continue their plans for higher education," said Juan Franco, UNL's vice chancellor for student affairs.

UNL agreed to waive its May 1 deadline for applications for fall semester for Dana students and help them enroll for housing and student aid.

Concordia University in Seward said it would match all Dana scholarships and had set up a hot line for students to reach admissions counselors over the Fourth of July holiday.

Several schools were also reaching out to faculty and staff. Dana spokeswoman Nikki Kinsey said schools were forwarding information about job openings to the college's roughly 130 employees.

A date for the closure has not been decided. Kinsey said the college was expected to be officially closed by July 31. It was unclear whether employees would be paid for any work in July, she said.

Dana's summer classes had been scheduled to run through July 28.

Kinsey said a decision on whether those classes would continue would be made on a course-by-course basis.

The future of the campus was still being assessed, Kinsey said.

College officials announced in March that the Dana Education Corporation — a group of investors and an unnamed private equity firm — had agreed to buy the school. Terms of the deal, which was expected to close this summer, were not disclosed.

Dana has experienced financial problems and ran significant deficits for several years, and the announcement of a sale came after officials spent the past year evaluating their options.

Dana Education Corporation president Raj Kaji said his group was saddened by the commission's accreditation decision, which college officials called "inaccurate, unfair and based on speculation and information not included in the required change of control request."

Commission spokeswoman Susan Van Kollenburg said Thursday that the sale did not meet the commission policy's for school sales. She declined to elaborate.

The commission policy requires five things for sales: extension of the college's mission and educational programs; continuation of the college's historic affiliation with the commission in regard to its mission and objectives; likelihood that the college will continue to meet accreditation requirements; money to complete the sale; and the new owner's experience in higher education.

Van Kollenburg said the commission's decision leaves room for Dana to submit a new plan for the future. The college's accreditation continues until November if it doesn't close, she said.

## MIDWEST DIGEST

### Sobriety Checkpoints Scheduled In S.D.

The South Dakota Highway Patrol has sobriety checkpoints scheduled in July in the following counties: Beadle, Brown, Butte, Campbell, Charles Mix, Clark, Codington, Davison, Fall River, Hughes, Jerauld, Lake, Lyman, Mellette, Minnehaha, Pennington, Roberts and Yankton.

### More S.D. Counties Eligible For Disaster Aid

SIoux FALLS (AP) — Six South Dakota counties have been added to the list of those eligible for aid under a federal disaster declaration.

President Barack Obama in mid-May declared a disaster for 30 South Dakota counties in the wake of spring flooding. On Thursday, Deuel, Douglas, Gregory, Hand, Lake and Tripp counties were added. Moody County was added last week.

The federal government will cover three-quarters of the costs of emergency work and repairs in those counties.

Other counties eligible for aid are: Aurora, Beadle, Brown, Brule, Buffalo, Charles Mix, Clark, Clay, Codington, Day, Edmunds, Faulk, Grant, Hamlin, Hanson, Hutchinson, Hyde, Jerauld, Kingsbury, Lyman, Marshall, McCook, McPherson, Miner, Roberts, Sanborn, Spink, Sully, Turner and Union.

### Omaha Tribe Seeks Money For UNL Course

LINCOLN, Neb. (AP) — The Omaha Tribe is seeking 10 percent of the University of Nebraska Foundation's 1.2 billion endowment campaign over what it sees as an unapproved use of its culture in the classroom.

A letter to the foundation from the Omaha Tribal Historical Research Project says tribe should be compensated for profits the University of Nebraska-Lincoln is getting from a course on the Omaha language.

Professor Mark Awakuni-Swetland has been teaching the course since 1999. He says he had the tribe's support for the course when it was introduced.

The letter says Awakuni-Swetland's research was false and his appointment another example of institutional racism.

UNL Chancellor Harvey Perlman wrote in a *Lincoln Journal Star* commentary that Awakuni-Swetland has done nothing wrong.

### Frontier Ending Rapid City-Denver Flights

RAPID CITY (AP) — Frontier Airlines is pulling out of Rapid City.

Spokeswoman Lindsey Purves (PUR-vuhs) on Thursday said the airline would discontinue flights between Rapid City and Denver effective Sept. 7.

She said Rapid City has not been a successful market for the airline. It competes there with United, which also flies to and from Denver.

Frontier does not provide service in any other South Dakota city.

### Appliance Rebates In Neb. Start Tuesday

LINCOLN, Neb. (AP) — Beginning Tuesday, Nebraska residents who buy qualifying, energy-efficient appliances in the state will be eligible for rebates of \$100 to \$250.

Nebraska has about \$1.5 million from the federal stimulus package to spend on rebates. The money is expected to go quickly after the program starts at 8 a.m.

There are six Energy Star products the rebates can be applied to: central air conditioners; clothes washers; refrigerators; dishwashers; air-source heat pumps; and natural gas and propane furnaces.

Rebate forms will be provided when products are bought from a registered retailer or heating and cooling company.

Lists of participating sellers are available at the Nebraska Energy Office's website, www.neo.ne.gov.

### Neb. Man In Pot Ring Faces Federal Charge

LINCOLN, Neb. (AP) — One of five men arrested in connection with a massive marijuana-growing operation in Lincoln is now facing a federal charge.

U.S. Attorney Deborah Gilg said Thursday that 43-year-old Bant Truong has been charged with growing more than 1,000 marijuana plants. If convicted, he could face up to 10 years in prison.

Truong, who is from Mississauga, Ontario, Canada, was arrested in March after leaving one of the houses where marijuana was being grown in Lincoln.

Truong pleaded not guilty. A judge ordered him to be detained until the case was resolved.

Truong had previously been charged in state court with manufacturing marijuana. He had also pleaded not guilty to the state charge.

### Voting Machine Maker Must Sell Assets

OMAHA, Neb. (AP) — A federal judge has approved a settlement that will require the biggest voting machine company in the country to sell off key assets.

The Justice Department announced the agreement with Omaha-based Election Systems & Software in March after an acquisition gave the firm control of more than 70 percent of the U.S. voting equipment systems.

Under the settlement, ES&S will have to sell voting equipment system assets it bought from Premier Elections Solutions Inc., a subsidiary of Diebold Inc.

A judge approved the deal on Wednesday. ES&S is required to sell off the assets within five days of the judgment unless the Justice Department and the nine state attorneys general that filed the lawsuit agree to a delay.

■ Get Updates At Yankton Online (www.yankton.net)

## Tanning Industry In Neb. Burned Over New Tax

BY NATE JENKINS  
Associated Press Writer

LINCOLN, Neb. (AP) — Red in the face over a new tax that is part of the federal health care bill, about 150 tanning salon owners, workers and customers protested at the Capitol on Thursday, the day the tax went into effect.

Some workers said their bosses had already hinted that they might lose their jobs because of a drop in business the new 10 percent tax on tanning bed use might cause. A slightly tanned Gov. Dave Heineman used the event to blast the overall health care bill and the tanning tax while another politician used it, in part, to make a public admission. "I am Ken Schilz and I do tan!" the state senator and cattle feeder from Ogallala announced to the crowd. Schilz did not say whether his rich bronze skin tone was the result of a tanning salon.

The tax is expected to add 90 cents to a few dollars to the cost of a single tanning-bed session and raise about \$2.7 billion nationally to help expand health coverage to uninsured

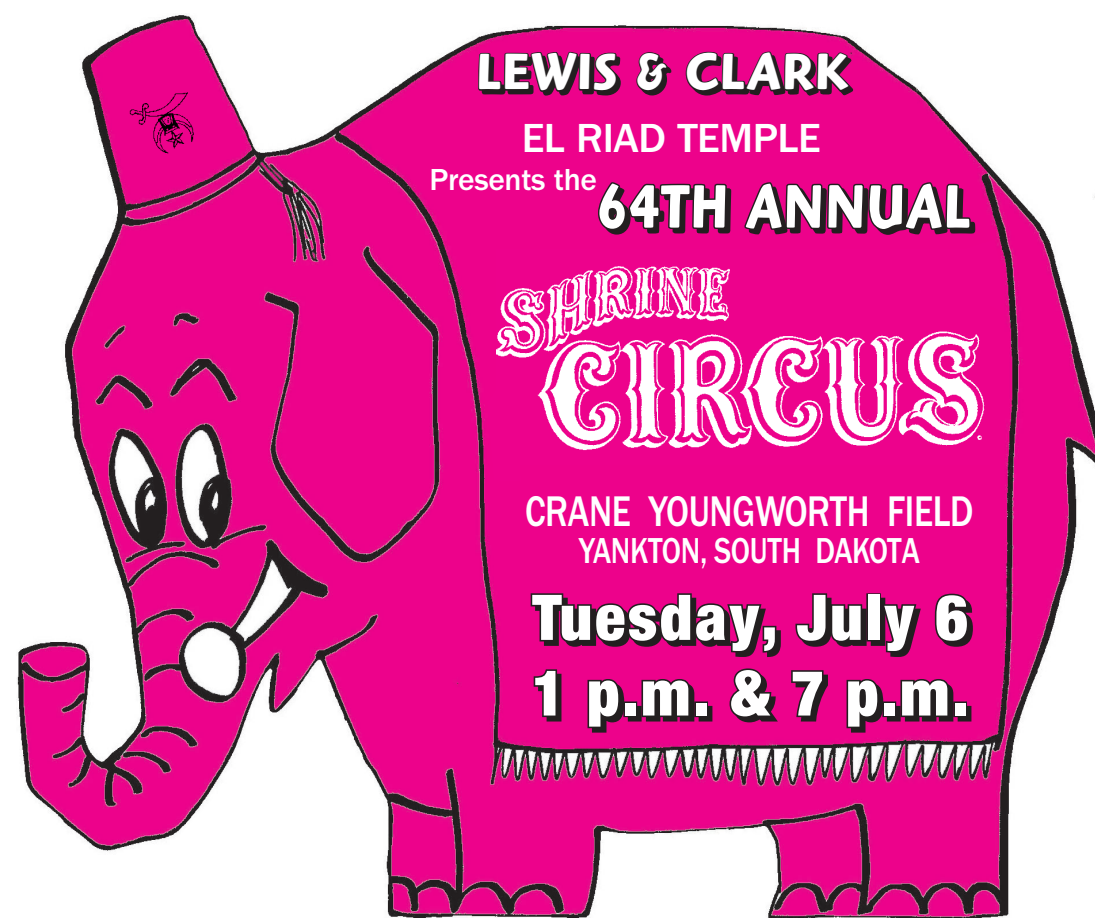
Americans over the next decade.

Nebraska Democratic Party executive director Jim Rogers criticized Heineman's decision to take a stand on the tanning tax when residents face more pressing health care issues like rising costs, saying, "our governor is more concerned about their ability to maintain their tan year-round."

The tanning tax wasn't in early versions of the health care bill and was added after dermatologists persuaded powerful senators to substitute it for a proposed tax on cosmetic surgery.

Speakers on Thursday criticized that decision and said assertions that tanning beds cause skin cancer are misleading. Tanning salons give people controlled dosages of rays that create "base tans" which help prevent sunburns that are a sign of UV-ray overexposure and can lead to health problems, said Joe Levy, vice president of International Smart Tan Network, an industry association.

"It is time to stop oversimplifying the case about UV exposure," Levy said.



All concessions will be handled by the Shrine Club and will be reasonably priced.