

## MIDWEST DIGEST

### Case Dropped In Hurley Dog Raid

PARKER (AP) — Charges have been dropped against a Turner County dog breeder who's property was raided last fall.

Prosecutor Tiffani Landeen-Hoeke filed paperwork Friday dismissing the case against Dan Christensen, citing the suppression of evidence from the September raid.

Landeen-Hoeke last month lost an appeal to the state Supreme Court to get the evidence admitted. A lower court judge ruled the search of Christensen's property in Hurley and the seizure of 172 of his dogs by Second Chance Rescue Center was carried out illegally.

Christensen had been charged with 173 counts of animal cruelty.

He's maintained he is innocent.

### Indian Settlement Added To Bill

HELENA, Mont. (AP) — The U.S. House of Representatives attached a \$3.4 billion government settlement with Indian trust beneficiaries to a war-funding bill it passed just before breaking for the July Fourth holiday.

The legislation authorizes the Obama administration to settle a class-action lawsuit with between 300,000 and 500,000 American Indians. The lawsuit claims the Interior Department mismanaged billions of dollars held in trust by the government.

The settlement was one of several additions made late Thursday to the bill that authorizes funding for President Barack Obama's troop surge in Afghanistan.

The House had already authorized the settlement in May. But last month, it became caught in a Senate filibuster of the Democrats' jobs legislation.

### Delegation Wants A Break For Ranchers

SIoux FALLS, S.D. (AP) — South Dakota's congressional delegation is asking Agriculture Secretary Tom Vilsack to help South Dakota ranchers who might end up short on livestock feed because of flooding.

Sens. Tim Johnson and John Thune and Rep. Stephanie Herseth Sandlin want ranchers to be allowed to harvest secondary crops on prevented planting acreage this summer and fall without being penalized.

Producers who can't get a crop in the ground can get partial reimbursement for the lost crop through the prevented planting crop insurance provision. But those benefits are reduced if ranchers harvest or graze the cover crops they plant later on that land.

The delegation says that with the flooding problems in South Dakota this year, adequate forage for livestock is a concern and ranchers need a break.

### Corn, Wheat Stocks Up In S.D.

SIoux FALLS (AP) — The Agriculture Department says corn and wheat stocks are up in South Dakota, while soybean stocks are down.

Corn stocks as of June 1 totaled 244.5 million bushels, up 12 percent. Stocks of all types of wheat totaled 40 million bushels, up 33 percent.

Soybean stocks stood at 25.9 million bushels, down 7 percent.

### Neb. Court Suspends Lawyer's License

LINCOLN, Neb. (AP) — The Nebraska Supreme Court has suspended a lawyer for neglecting cases.

The court said Friday that Paula Hutchinson's law license would be suspended at least two years although the suspension began in June 2009.

Several of Hutchinson's clients sent complaining letters to the state's Counsel for Discipline in 2008 and 2009.

The court said Hutchinson failed to respond to several notices from the counsel. She said she was seriously ill for several months in 2009.

Hutchinson has represented several Nebraska death-row inmates including John Lotter, who was convicted of killing Teena Brandon in 1993.

No one answered the phone at Hutchinson's office Friday.

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# Iowa Farmers Need Permit For S.D. Hog Farm

BY WAYNE ORTMAN  
Associated Press Writer

SIoux FALLS — A hog farm in South Dakota that produces roughly 70,000 piglets a year is not a "ma and pa" operation and its Iowa owners must apply for a commercial water permit if it wants to use water pumped from a well, a state judge ruled.

The Yankton Sioux Tribe went to court after the South Dakota Water Rights Management Board ruled that Longview Farm was a domestic water user and didn't need a permit. The tribe has long opposed the farm, which some members say is located on tribal land.

The farm near Marty in Charles Mix County is owned by 11 Iowa farmers and began operating in late 2008. Sows at the farrowing complex produce about 70,000 piglets each year that are raised in Iowa. The farm estimated its water needs at 17,000 gallons a day, which it gets from a rural pipeline distribution system.

Circuit Judge Bruce V. Anderson said it was clear that Longview Farm was a commercial venture and not covered by state doctrine that gives priority to domestic water uses.

The judge said regulations do not intend for such a large operation "that is using water to power wash its facilities and tens of thousands of animals to be on par with 'Ma and Pa' neighbor who are using water for drinking, cooking, performing laundry duties, watering pets and watering a small number of domestic livestock."

Longview Farms attorney David Nadolski said Thursday that no decisions have been

made on appealing the ruling or applying for a permit.

"If that's the ultimate ruling, that's what we'll do because we'd like to have the well for backup to the rural water system. We promised the rural water folks and the neighbors we would get a well as a backup," he said.

Forcing owners to apply for a commercial water permit would allow the public to request a hearing on whether the proposed use of water is in the public interest, Anderson said in his ruling.

"It is clear that our state Legislature did not intend to allow big corporations to come in and take advantage of the protections that our family farmers and ranchers receive from state law, and the court recognized this," said Rebecca Kidder, an attorney representing the Yankton Sioux Tribe.

A federal lawsuit filed in April 2008 sought to block construction of the hog farm, arguing in part that the farm was located within the boundaries of the Yankton Sioux Tribe's reservation. A judge ruled it was on private land and later dismissed other elements of the suit.

# Judge Denies Request To Suspend Neb. Petition Law

BY TIMBERLY ROSS  
Associated Press Writer

OMAHA, Neb. — A federal judge will not suspend a Nebraska law that requires all petition circulators to be registered voters of the state, ruling against groups that believe the law keeps ballot initiatives and independent candidates out of the ballot.

U.S. District Judge Joseph Bataillon ruled Thursday that, among other things, there was no evidence to show that the law created hardships for prospective candidates.

The motion for a preliminary injunction against the 2008 law was part of a lawsuit filed in December over Nebraska's petition signature requirements for ballot initiatives and independent candidates.

The suit, which aims to expand the ballot initiative and referendum process, argues that it costs too much to train local volunteers and workers to gather signatures, as opposed to bringing in trained petition circulators from out of state.

The American Civil Liberties Union is suing on behalf of the nonprofit Citizens in Charge Foundation Inc., along with Michael Groene of North Platte, a frequent petition signature gatherer for ballot initiatives, and Donald

Sluti of Kearney, who believes the law makes it impossible for him to gather enough signatures to get on the Nebraska ballot as an independent candidate.

The Libertarian Party of Nebraska joined the lawsuit in May.

Bryan Sells of the ACLU Voting Rights Project said Friday that he was disappointed in the judge's decision, but noted there was still a chance to have the law suspended. The lawsuit seeks a permanent injunction against three laws governing petition initiatives.

The ACLU has said changes made in 2007 and 2008 to state law unfairly burdens independent candidates and residents trying to get initiatives on the ballot, thus violating protected political speech.

The changes increased the number of petition signatures required for independent candi-

dates to get on the ballot from 2,000 signatures to 4,000, with at least 50 of those signatures coming from at least 31 — or one-third — of Nebraska's 93 counties.

A change made in 2008 requires all petition circulators to be electors of the state of Nebraska, meaning they must live in the state and be 18 years old by the time of the November election in the year they gather signatures. The request for a preliminary injunction pertained to that piece of the law.

Nebraska Secretary of State John Gale, whose office oversees state elections and who is named as a defendant in the lawsuit, was out of the office and unavailable for comment Friday, his spokesman said. Gale has defended the state's requirements as being constitutional.

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