

1705 Items \$100 or Less

110 Window air conditioner, with remote control, 5,600 BTU. \$200 brand new, asking \$100. Call (605)665-2699 leave message.

5 pairs of Men's jeans size 31x32, 30x30, 29x32, 28x30, 29x30. \$2/each. (605)664-0771.

Baby Crib. Oak finish, standard. Adjustable as baby grows. Bedding included. Gently used, \$100. (605)660-0533.

Computer, complete monitor, mouse, and Windows 95. \$40. 3 record players and 6 speakers, \$40/all. (605)660-4051.

Hand weight set 5, 10, 15, 20 pound weights. \$25 call (605)660-1458.

Large dog carrier. \$25. Wood framed mirror 2x4. \$25. 7 gallons Kool Seal. \$50. 605-665-4706. 605-660-8819

Microwave over gas range, white. \$100. Call (605)661-7541.

Offset umbrella, beige, 8.5 ft. square with mosquito net and weighted stand. Almost new. \$60 for all. (605)260-0767

One year old apartment size Frigidare deep freeze \$100. Call (605)665-7335.

Queen bedroom set white dresser with mirror. Desk with chair, bookshelf hutch, great for girls room \$100 (605)660-1458.

Schwinn stationary bicycle. Great for home fitness room. \$50. Horizon Elliptical Trainer. Great for home fitness room. Gently used, \$50. (605)660-0533.

Stihl gas chainsaw runs, \$60. Craftsman gas weed trimmer, \$10. Runs. Bug Zapper, \$9. Air tank, \$12. Electric Auto buffer, \$7. (605)665-4372.

1775 Home Furnishings

Don't Miss This! Entire household home furnishings. Moving must sell. Very nice, clean. (605)780-1121.

1820 Give Aways

Free Large iron gym/playground set. Could also be used just for the iron you remove it and it is free! Call (605)260-0775 in Yankton.

1830 Rummage Sales

SAVE THE DATE!
2010 Yankton Annual Summer Citywide Rummage Sales August 12-15
Watch your Yankton Daily Press & Dakotan for details!

1875 Livestock - Poultry

Angus 2 Year Bulls. Semen, blood tested. Average 1800 pounds. Shots and Ivomec. (605)941-3830. (605)246-2472.

2010 Legal and Public Notices

5+26+6+2

NOTICE OF APPLICATION
NO. 7199-3 to
Appropriate Water

Notice is given that LCM Partnership c/o Darrell Nelson, 44023 306th St. Yankton SD 57078 has filed an application for a water permit to appropriate 3.11 cubic feet of water per second from two wells to be completed into the Missouri-Elk Point Aquifer (approximately 120 feet deep) located in SE 1/4 NE 1/4 Section 2 to irrigate 360 acres located in the NE 1/4, SE 1/4 (Gov't Lots 1 & 2) Section 2 and W 1/2 NW 1/4, (W 1/2 Gov't Lot 1 & 2) W 1/2 SW 1/4 Section 1; all in T29N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7199-3 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 June 14, 2010.

2010 Legal and Public Notices

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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Estimated publishing cost per published copy: \$0.0029

6+2

NOTICE OF SURFACE WATER DISCHARGE APPLICATION AND RECOMMENDATION

The South Dakota Department of Environment and Natural Resources (DENR) has received an application for the renewal of a Surface Water Discharge (SWD) and a Pretreatment Industrial Users permit from the following applicant:

APPLICANT NAME:
Applied Engineering, Inc.

FACILITY LOCATION:
This facility is located at 2008 East Hwy 50 in the city of Yankton, in Yankton County, South Dakota.

MAILING ADDRESS:
**2008 E. Highway 50
Yankton, SD 57078**

The Pretreatment Industrial User permit will allow the indirect discharge of process wastewater from Applied Engineering, Inc.'s pretreatment process. Indirect discharges from this facility will enter the Yankton Potw Publicly Owned Treatment Works, where it will receive further treatment.

Tentative determinations regarding the water quality limits for any discharge and other conditions have been made by DENR. The Surface Water Discharge permit specifies the quality of water that can be discharged and still protect the uses of the receiving water. The proposed discharge permit and supporting document are available from DENR at the address listed below.

In accordance with the Administrative Rules of South Dakota, Chapter 74:50-02, any person desiring to comment on the Department's recommendation for the conditional issuance of this permit must submit written comments to the below address within the specified thirty (30) day comment period. Comments may be directed to the following address: South Dakota Department of Environment and Natural Resources, Division of Environmental Services, Surface Water Quality Program, Joe Foss Building, Pierre, SD 57501-3181. Any person desiring a public hearing must file a petition which complies with the ARSD 74:50-02. If no objections are received within the specified 30-day period, the Secretary will issue final determinations within sixty days of the date of this notice.

Additional information may be obtained by calling Anthony Mueske, with DENR, at (605) 773-3351, or by writing to the address listed above.

Steven M. Pimer
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Estimated publishing cost per published copy: \$0.0035

RATE

From Page 1

said. The co-op receives electricity from the Western Area Power Administration (WAPA), whose costs have gone up. Another supplier, Basin Electric, has incurred costs resulting from growth in its service area, he said.

The drought of recent years reduced Missouri River levels available for hydropower, Goehring said. "We are still paying for the drought," he said. "WAPA had to purchase power on the open market, and they had to borrow a lot of money (to cover the difference). That impacted the rate. About half of the (local) rate increase comes from the WAPA debt reduction."

The mountains have received below-average snowfall, reducing the amount of water for hydropower to 75 percent of normal, Goehring said. The Corps of Engineers has also reduced river levels for its needs, he said.

"This spring, they had to cut water flows at Gavins Point. That has cut back the production of energy," he said. "One of the things we have seen this year, there was a lot of water behind the dams."

Bon Homme-Yankton Electric has experienced increased demand on its power supply, Goehring said. The utility also sustained damages during recent tornadoes, he said.

At the local level, Bon Homme-

COUNTY

From Page 1

are going to be really pushing it to get it done."

He added, "All the radios in the county are going to have to be touched in some way, shape or form."

Coordination of the plan will be done through Kurtenbach and Steve Hawkins, administrator of the Yankton County Emergency Medical Service. Beyond radio upgrades, the plan includes improving the paging system transmitters in Irene and Lesterville, as well as making it so county dispatchers can activate storm sirens. Three repeaters will also be added around the county.

"We're here to protect and serve the county," Commission Chairman Bruce Jensen said. "Communication is key — we all know that."

Commissioner Donna Freng said, "It's a lot of money, but 2013 is not that far away."

Taking money from the county's E-911 fund was a concern to Commissioner Bill Tamisela.

"We've raided that fund twice this year without anything being set up in the (2010) budget for it," he said, noting the radio system upgrades will be the third expenditure that was not budgeted.

Money for the E-911 fund is provided by a charge on phone bills. County Auditor Paula Jones said between \$112,000-\$115,000 is collected annually. The fund currently has just under \$300,000 in it.

Commissioner Mark Johnson made a motion to approve spending up to \$140,000 on the upgrade, as well as to give Hawkins and Kurtenbach the authority to draw up specs and make a request for proposals. Both motions received unanimous approval.

SPILL

From Page 1

break away the broken riser pipe so engineers can then position a cap over the well's opening.

Even if it succeeds, it will temporarily increase the flow of an already massive leak by 20 percent — at least 100,000 gallons more a day. And it is far from certain that BP will be able to cap a well that one expert compared to an out-of-control fire hydrant.

"It is an engineer's nightmare," said Ed Overton, a Louisiana State University professor of environmental sciences. "They're trying to fit a 21-inch cap over a 20-inch pipe a mile away. That's just horrendously hard to do. It's not like you and I standing on the ground pushing — they're using little robots to do this."

The operation has never been performed in such deep water, and is similar to an earlier failed attempt that used a larger cap that quickly froze up. BP PLC officials said they were applying lessons learned from the earlier effort, and plan to pump warm water through pipes into the smaller dome to prevent any icing problems.

"If all goes as planned, within about 24 hours we could have this contained," BP's Doug Suttles said Tuesday after touring a temporary housing facility set up for cleanup workers in Grand Isle. "But we can't guarantee success."

Since the Deepwater Horizon rig exploded on April 20, killing 11 workers and eventually collapsing into the Gulf of Mexico, an estimated 20 million to 40 million gallons of oil has spewed, eclipsing the 11 million that leaked from the Exxon Valdez disaster.

Oil has fouled many fishing areas and miles of ecologically sensitive coastline. Mississippi Gov. Haley Barbour said oil from the spill was found in his state for the first time, on a barrier island, and newly expanded federal restrictions mean that nearly a third of federal waters are closed to fishing.

President Barack Obama on Tuesday ordered the co-chairmen of an independent commission investigating the spill to thoroughly examine the disaster. "to follow the facts wherever they lead, without fear or favor." The commission is led by Bob Graham, a former Florida governor and U.S. senator, and William K. Reilly, a former head of the Environmental Protection Agency.

Holder said the laws under review for the criminal and civil probes include the Clean

Water Act, the Oil Pollution Act of 1990, the Migratory Bird Treaty Act and the Endangered Species Act. He said the government would pursue criminal charges "if warranted," a caveat he did not include for civil action.

"We will ensure that every cent, every cent of taxpayer money, will be repaid and that damage to the environment and wildlife will be reimbursed," he said.

Washington lawyer Stan Brand said that two likely criminal law theories the Justice Department would pursue are false statements to the Interior Department's Minerals Management Service and obstruction by failing to produce evidence to investigators.

But Brand and longtime Washington lawyer Stephen Ryan, a former federal prosecutor and ex-congressional investigator, predicted it will be difficult to prove criminality.

"Bad business judgment isn't a crime," said Ryan.

The Deepwater Horizon was owned by Transocean Ltd. and leased by BP PLC. Other companies involved include oil services company Halliburton, which handled the cementing of the well; and Cameron Inc., which made the blowout preventer that apparently failed.

Criminal charges have met with mixed results in two previous high-profile U.S. oil spills.

Joseph Hazelwood, captain of the Exxon Valdez supertanker that ran aground off Alaska's coast in 1989, was acquitted of being drunk when the accident occurred, but convicted of a misdemeanor for negligent oil discharge. He was fined \$50,000 and ordered to perform 1,000 hours of community service.

Hong Kong-based Fleet Management Ltd. paid a \$10 million fine after pleading guilty to obstruction charges following a 2007 oil spill after one of the company's cargo ships struck the San Francisco-Oakland Bay Bridge. The ship's pilot pleaded guilty to misdemeanors and was sentenced to 10 months in prison.

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Appeals Court: Union Pacific Did Not Discriminate

OMAHA, Neb. (AP) — A federal court rejected the appeal on Tuesday of an Omaha woman who sued Union Pacific Railroad Co., claiming that she was fired as a train dispatcher in 2006 because of discrimination.

A panel of the 8th U.S. Circuit Court of Appeals wrote that the reason Kimberly Norman was terminated was her failure to submit a required release form after a long-term disability leave.

Norman, who is black, had claimed disability, race and gender discrimination in the lawsuit. She said she had performed her job in an exemplary manner, but was fired following hospitalization and absences due to irritable bowel syndrome that developed after difficult pregnancies. Norman was placed on unpaid leave in 2004 and required to submit to an independent medical examination.

She said in her lawsuit she did not know the evaluation was a mental

health exam, and that Union Pacific used it to change her diagnosis and disability to a mental health condition, rather than a physical one.

Based on the mental health diagnosis, Norman's long-term disability benefits were terminated, reinstated upon appeal, then terminated again, the lawsuit said.

Norman's lawsuit also said the railroad refused to make reasonable accommodations for her disability and denied her the opportunity to interview for other positions, while allowing such accommodations for a white, male employee who suffered from a mental illness.

The Nebraska Equal Opportunity Commission, which reviewed Norman's complaint, determined there was no cause to fire her, and the federal EOC gave her the green light to sue. Norman had sought damages for lost wages and benefits, as well as an award of punitive damages.

aborted over the weekend. Crews pumped thousands of gallons of the mud into the well but were unable to overcome the pressure of the oil.

The next plan has BP engineers placing a cap-like containment valve over the well. Not all the gushing oil will be captured through the "cut and cap" method, but the company said it could siphon most of the crude to a vessel on the surface.

Eric Smith, an associate director of the Tulane Energy Institute, likened the procedure to trying to place a tiny cap on a fire hydrant that's blowing straight up.

Crews have forged two different caps in case one of them doesn't work. Before it can place either one, the company plans to cut the riser in two different places, keeping it aloft with a crane so it doesn't collapse.

Gigantic shears will cleave off the far end of the riser while a diamond cutter, lowered on top of the blowout preventer early Tuesday, will try to make an even cut through the other end of the tube. A clean cut from the diamond cutter, which resembles a deli slicer, is important because engineers will then lower a heavy cap on top of the sheared-off tube to seal the leak.

CROSSWORD

By THOMAS JOSEPH

ACROSS

1 Rich blue garnish stone

6 Sign after Virgo

11 Keats, for one

12 Patriot Ethan

13 No. 1 song by the Everly Brothers

15 Previously

16 "The Simpsons" bartender

17 Mine rock parts

18 Soup beans

20 Blend

21 Warning color

22 Head, to Henri

23 In the raw

26 Cab costs

27 Theater award

28 Cruise or Hanks

29 Attack command

30 Whodunit discoveries

34 Big deer

35 Low digit

36 Memento-rable time

37 No. 1 song by Rick Springfield

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