

South Dakota Minerals Board Rules For Oil Company In Dispute

BY BOB MERCER
State Capitol Bureau

PIERRE — A Holder of mineral rights lost her dispute Thursday over sharing risk on an oil well in Harding County. The state Board of Minerals and Environment ruled in favor of Luff Exploration. For business reasons, the company proceeded in drilling the well, even though Linda Golden hadn't yet accepted or rejected the company's offer. Luff had agreements with all other property owners in the 960-acre unit. Luff employee Clayton Chessman said the drilling rig and crew were in the area and could proceed. Chessman said the well project replaced another one that was planned in North Dakota. The state board adopted a rule in 2004 that deals with situations where

mineral holders don't reach agreement with oil developers. In those instances, an owner who doesn't have a lease agreement must pay approximately 200 percent of his or her proportionate share of the project costs. Golden's lawyer, Scott Sumner of Rapid City, argued the rule didn't apply in this instance. He showed that Luff started drilling during the 30-day period set for Golden to consider Luff's offer. Golden ultimately never responded to Luff's letter. "I think the board has the discretion to say yes or no to risk compensation, and set the rate," Sumner said. Luff attorney John Morrison of Bismarck said the company followed the state rules. "They have the effect and force of law. They are presumed valid," Morrison said.

The hearing took more than three hours and Chessman was the only witness. The board eventually voted 6-1 in favor of Luff. The lone dissent came from Rex Hagg of Rapid City. "The cart got before the horse," Hagg said. He told the Luff representatives, "You put yourself at risk by going ahead." Board member Bob Morris of Belle Fourche saw it differently. He said the rule provides certainty. "Should one person hold up even the drilling of a well for months?" Morris asked. Lee McCahren of Vermillion, one of the board's long-time members, recalled that such cases came up frequently before 2004. "We used to do this every month, for years. That's we adopted the rules," McCahren said.

State Vet: S.D. Storm Killed 15-30K Livestock

BY CHET BROKAW
Associated Press

PIERRE — State Veterinarian Dustin Oedekoven said Thursday he now estimates that 15,000 to 30,000 cattle died in the early autumn blizzard that buried western South Dakota in snow nearly two weeks ago. Oedekoven earlier estimated the livestock loss at 10,000 to 20,000, but he said reports from ranchers, emergency officials and others caused him to raise his estimate. Some ranchers are not yet sure how many cattle they lost because they are still discovering carcasses or finding live cattle that mixed with neighbors' herds after being pushed by the snow and high winds, he said. "It's still a challenge to figure out what they still have and what their true losses were," Oedekoven said. The state veterinarian said financial losses will be substantial, with bred cows selling for about \$1,600 and cow-calf pairs selling for \$2,000 or more. Some ranchers have re-

ported heavy losses exceeding half their cattle herds from the storm that started Oct. 4 and dumped more than 4 feet of snow in some parts of the Black Hills. Reports of 20 inches or more were common in the prairie ranching region. The cattle were drenched by rain before being hit by heavy snow and strong winds that pushed them over fences into roadways and other ranchers' pastures. Oedekoven said ranchers so far have reported losing 7,157 cattle, 250 sheep and 92 horses, but he said many ranchers are too busy searching for cattle and dealing with other problems to make voluntary reports of losses to his office. State Rep. Gary Cammack, who ranches and runs a farm and ranch supply store in Union Center, initially thought he lost about 70 cows and some calves. He said Thursday he now knows he lost about 120 — or 20 percent of his cow herd —

after finding additional carcasses in remote, hard-to-reach locations. He said it's possible that total losses will exceed 30 percent in western South Dakota, which has 1 million or more cattle. Some ranchers are finding cattle that drifted as far as 10 miles once they got onto roads, Cammack said. Some are second-guessing themselves, wondering if they should have done something different before the storm hit, he said. In some cases, cattle died after the snow and wind pushed them into places where the snow drifted 10, 20 or even 40 feet deep, said Cammack. Cammack said neighbors who stop in his store relayed stories of their losses. "It just seems like the sad stories and disasters never end." Ranchers are gratified by donations made to a relief fund and other efforts to help those who lost cattle, but the key is

for Congress to pass a new farm bill that includes a disaster program that will cover part of the ranchers' losses, Cammack said. A previous federal livestock disaster program expired at the end of 2011, but the House and Senate versions of the new farm bill include a new livestock disaster program that would be retroactive. The House and Senate are now trying to reach agreement on a common version of the farm bill. Pennington County dug two pits to dispose of cattle carcasses, and the county put 139 carcasses found along roads into the pits earlier this week, said Alexa White of the Pennington County Emergency Operations Center. She said officials do not know how many dead cattle have been placed in the pits by the county's ranchers. The county will make another sweep of roads Monday and Tuesday to pick up other carcasses ranchers have been unable to dispose of themselves, she said.

"It just seems like the sad stories and disasters never end."

GARY CAMMACK

South Dakota At Least 23 Sign Up In Insurance Exchange

BY CHET BROKAW
Associated Press

PIERRE — Despite computer problems, at least 23 people in South Dakota signed up for health insurance in the first two weeks policies have been offered through an Internet exchange under the new federal law. South Dakota is one of 36 states letting the federal government run its health exchange, where consumers can compare plans and buy insurance. But computer glitches have prevented many people from using the online marketplaces across the nation. Avera Health Plans, Sanford Health Plan and DAKO-TACARE, which is associated with the South Dakota State Medical Association, are approved to offer plans in South Dakota. Deb Muller of Avera Health Plans said that company has had 21 enrollments as of Thursday, while Sanford Health reported two signups. DAKOTACARE has had no sales yet, the *Argus Leader* reported. Muller said enrollments have met Avera's expectations for the first two weeks of the exchange's operation. She said she expected some technical problems with the new computer system. "The biggest issue right now is with people who are just trying to get into the system and be able to walk all the way through the system from registration to plan selection," Muller told The Associated Press. "They have made significant improvements in the first couple of week to getting you to the login point and getting through the registration process, but it still takes a while to do that." Muller said people in her office have tried the online exchange, but have been unable to get all the way through the process. "There are still some hangups, but we know it is working. I don't know the answer for why it works for some and it doesn't work for others," Muller said. Muller said she doesn't know how many South Dakotans will eventually sign up for insurance

through the online exchange. "Let's see what the consumers say," she said. Ruth Krystopolski, president of Sanford Health Plan, said that company has received two signups, both of which appeared to be eligible for 100 percent premium subsidies by the government. However, Sanford Health has no way to verify an applicant's income and has raised that issue with federal officials, she said. The exchanges are intended to help uninsured people get coverage. Middle-class people without job-based coverage can shop for subsidized private plans, while low-income people are expected to be covered by an expanded Medicaid system. South Dakota has not yet decided whether to expand its Medicaid system.

South Dakota Board Chooses One-Call Contractor

BY BOB MERCER
State Capitol Bureau

PIERRE — A Texas company won the contract Thursday to provide call-before-you-dig services to excavators and contractors in South Dakota for the next five years. The state One-Call Board voted 7-0 to approve Texas 811, which has its primary call center in Dallas, Texas. KorPartners of Chanhassen, Minnesota, held the South Dakota contract for the past three years after the previous company went bankrupt. KorPartners declined to submit a proposal this time. State records show KorPartners received \$287,564 so far this year; \$575,383 last year; and \$464,129 two years ago. Texas 811 however has been providing the South Dakota services under the KorPartners contract. The parent company of Texas 811 is Texas Excavating Safety System. The other two companies competing for the new contract were Password, based in Idaho, and One Call Concepts, based in Missouri.

The new contract starts Jan. 1, 2014, and runs through Dec. 31, 2018. Larry Janes, the executive director for South Dakota One Call, spoke highly of Texas 811. "They quickly respond to any questions or issues I bring to them," he said. Janes said the board couldn't openly discuss the prices in the three proposals until after the contract is awarded. The one-call board operates as a state agency administered by the state Public Utilities Commission and is self-supporting through fees charged for the services. The board's members are appointed by the governor.

Noem Opposes Bill Ending Shutdown

SIOUX FALLS (AP) — South Dakota's two U.S. senators voted in favor of ending the 16-day partial shutdown of the federal government, but the state's congresswoman opposed the measure. Republican Rep. Kristi Noem said reopening the government and averting the possibility of a national default are good things. "However, I could not support this bill because it didn't do anything to address our continued deficit spending, which has resulted in a \$17 trillion debt," she said in a statement.



Noem

The federal government reopened its doors after Congress on Wednesday approved the bipartisan measure ending the shutdown and President Barack Obama signed it early Thursday, ending a brawl with Republicans who tried to use the legislation to derail Obama's health care law and demand concessions on the budget. Republic Sen. John Thune said the measure isn't perfect but is necessary. "It will ensure that we don't blow past the default date that's been set by the Treasury, and it will force Congress to have a broad debate about Washington's dangerous levels of spending and debt, which are hamstringing the economy and mortgaging our children's futures," he said in a statement. "This debate should be an opportunity to focus on fiscal policies that will actually grow the economy and strengthen the middle class." Thune also said the fight against the Affordable Care Act "doesn't end today." Democratic Sen. Tim Johnson praised the agreement and condemned the role played in the shutdown by House Republicans who tried unsuccessfully to use the shutdown and a potential default on the government's debt as leverage to weaken the health care law.

Retired Army Officer To Challenge Noem

SIOUX FALLS, S.D. (AP) — A retired Army officer who served in Iraq says she plans to seek the Democratic nomination for South Dakota's lone seat in the U.S. House. Forty-eight-year-old Corinna Robinson tells the *Argus Leader* that she plans to make a formal announcement in the next few weeks about running for the seat now held by Republican Rep. Kristi Noem. Robinson says she recently resigned as director of the anti-terrorism and force protection directorate at the Pentagon Force Protection Agency so she could run for Congress. She says she was prompted to run in part because of a dysfunctional Congress. Robinson grew up in Rapid City and joined the Army when she was 17. She retired as a major after 25 years, spending most of her career in the military police.

Neb. Abuse Case Won't Get New Judge

BEATRICE, Neb. (AP) — A former Beatrice State Developmental Center worker accused of abusing developmentally disabled adults who lived at the center won't get a new judge for his second trial. Beatrice radio station KWBE reports Gage County District Judge Paul Korslund refused to recuse himself from Matthew Pangborn's trial. But Korslund is still considering whether to move the trial to another location. Pangborn was sentenced last year to 15 to 23 years in prison after being convicted in July 2012 of four counts of abusing a vulnerable adult and several other charges. He was accused of beating and choking residents when he worked at the Beatrice State Developmental Center in 2011. The Nebraska Supreme Court ordered a new trial because jurors at Pangborn's first trial used a chart that prosecutors created during deliberations.

Shutdown Delays Unemployment Report

LINCOLN, Neb. (AP) — The Nebraska Labor Department says the partial shutdown of federal operations has delayed release of the state's unemployment report for September. The report was scheduled to be released Friday. It's unclear when the data will be ready to release, now that the shutdown has ended and furloughed federal workers are returning to work. Department spokeswoman Grace Johnson said Thursday that there's no word yet on when the information will be available so Nebraska can prepare and release its report. Nebraska's preliminary unemployment rate for August was unchanged from July, at 4.2 percent.

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