2010 Legal and Public **Notices** 

> NOTICE OF ADOPTION **ORDINANCE #2012-05, AN** ORDINANCE AMENDING

ORDINANCE #05-01 BY REZONING CERTAIN **PROPERTY** 

Notice is hereby given that Or-#2012-05, a Zoning dinance change from A-1 Agriculture District to C-Commercial District, for property described as Lee Tract 1, SE1/4, SE1/4, 11-92-52, Vermillion Township, Clay County, South Dakota, (50'x50') as shown on attached proposed plat, was duly adopted by the county commission on December 27th 2012, and will become effective on the 24th day of January 2013, unless a referendum is invoked. Copy of the Ordinance and the official zoning map referred to in Article 4, Section 4.03 is amended, to include the property in the Commercial District, are available for public review, during regular business hours at the County Auditor's Of-

Commission Public Planning Hearing: November 13, 2012

Reading: Joint Meeting w/City Dec. 11,2012

Reading County: Dec 27,

Adoption: Dec 27, 2012

Publication: January 4, 2013

Effective Date: Jan 24, 2013

Ruth A. Bremer, Clay County Auditor Published twice at the total approximate cost of \$33.03.

Published: January 4 & 11, 2013

### NOTICE OF AUDIT OF THE FISCAL AFFAIRS OF VERMILLION SCHOOL DISTRICT NO. 13-1

Notice is hereby given that the records and books of account of Vermillion School District No. 13-1 of Clay County, South Dakota have been audited by Quam and Berglin, Certified Public Accountants for the fiscal year ended June 30, 2012 and that a detailed report thereon is filed with the board, the business governing manager and the Department of Legislative Audit, 427 South Chapelle, Pierre, South Dakota for public inspection.

The following finding and recommendation provide a brief description of a material weakness in internal control that is described in more detail in the audit

Finding: A material weakness in internal controls was noted due to a lack of proper segregation of duties for revenues, expenditures and payroll.

Recommendation: We recommend that the Board of Directors be cognizant of this lack of segregation of duties for revenues, expayroll and atpenditures and tempt to provide compensating lien for unpaid real estate taxes controls, whenever and wherever possible and practical.

This notice is published in compliance with the provisions of SDCL 4-11-12.

Quam and Berglin, P.C. Published twice at the total approximate cost of \$29.58. Published: December 28, 2012

& January 4, 2013

## NOTICE TO BIDDERS

Notice is hereby given that the Board of County Commissioners South Dakota of Clay County, will meet in the commissioners room at the Courthouse on Tuesday the 15th day of January, 2013 at 9:45 p.m. at which time and place bids and proposals will be received, publicly opened, and read for the furnishing of the following described equipment for the use of the Sheriff's Department:

ONE (1) 2013 Police SUV (4-door, police special service package, wheelbase not less than 112 inches)

Trade-in: 2006 With Ford Crown Victoria with 110,000 miles.

Specifications may be inspected and procured at the office of the County Auditor.

Bids and proposals will be received at the office of the County Auditor in the Courthouse at 211 West Main, Suite 200, Vermillion, SD, up to but not later than 4:45 p.m. on the 14th day of January, 2013 and such bids must be placed in a sealed envelope and endorsed on the outside of the envelope with the bidders name and address.

No bids will be considered unless they are accompanied by a certified check, cashiers check or draft for at least 5% of the net amount of the bid; said check to be certified or issued by either a State Bank or National Bank domiciled within the State of South Dakota, and made payable to Clay County, or in lieu thereof a bid bond for 10% of the amount of the bid; such bond to be issued by a surety authorized to do business in this state payable to Clay

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The Board of County Commissioners reserves the right to reject any or all bids, to waive irregularities and informalities, and to accept the bid, which they deem to be in the best interest of Clay

Ruth A. Bremer Clay County Auditor Published twice at the total approximate cost of \$45.88. **Published:** January 4 & 11, STATE OF SOUTH DAKOTA

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

COUNTY OF CLAY

JPMORGAN CHASE BANK, NA s/b/m TO CHASE HOME FINANCE LLC

Plaintiff,

Tanya M Furry; and any person in possession,

Defendants.

Civil No. 12-183

## NOTICE OF REAL ESTATE

Judgment in the amount of \$168,111.83 having been entered in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on November 8, 2012, for the foreclosure of a real estate mortgage,

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated September 28, 2009, which Tana M. Furry, Mortgagor, executed and delivered to Mortgage Electronic Registration Systems, Inc, Mortgagee:

LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CLAY, STATE OF SOUTH DAKOTA, AND IS DESCRIBED AS FOL-LOWS: LOT E IN THE SE1/4 OF THE SE1/4 OF SECTION 23, TOWNSHIP NORTH, RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 29th of September, 2009 in Book 129 Mtgs on page 871. Said Mortgage was to JPMorgan Chase assigned Bank, NA by Assignment of recorded April Mortgage 2012, in Book MT133, Page 375, in order to realize the amount of \$140,760.00, as of September 28, 2009, plus interest accruing thereafter on said amount at the rate of 5.5% per year together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the and assessments of Clay County, South Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Clay County, South Dakota, at the front door of the Clay County Courthouse , in Vermillion, South Dakota, on January 16, 2013, at 10:00 A.M. (CT).

Dated November 16, 2012.

Sheriff of Clay County, South Da-

MACKOFF KELLOGG FIRM

David C. Piper, Attorney #4128 38 Second Avenue East Dickinson, ND 58601 (701) 227-1841

\$.0695

Attorneys for Plaintiff Published twice at the total approximate cost of \$64.71 Estimated publishing cost per published copy

Published: December 28, 2012 & January 4, 2013

NOTICE OF HEARING on Application Nos. 7441-3 and 7442-3 to Appropriate Water

Notice is given that Gary E or Julie A Peterson, 45913 299th St, Centerville SD 57014 have filed the following applications for a water permit.

Application No. 7441-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri Aquifer (175 feet deep) located in the center of the SE 1/4 Section 8 for irrigation of 140 acres located in the SE 1/4 Section 8; all in T95N-R52W.

Application No. 7442-3 proposes to irrigate 40 additional Water Right No. 5982-3 authorizes 1.64 cfs from one well completed into the Upper Vermillion Missouri Aquifer (165 feet deep) located in the SE 1/4 NW 1/4 Section 17 to irrigate 115 acres located in the NW 1/4 Section 17: all in T95N-R52W. The application is proposing to irrigate an additional 40 acres located in the W 1/2 NE 1/4 Section 17-T95N-R52W from the existing well. This application, if approved

### **Legal and Public Notices**

2010

does not authorize any increase in the developed diversion rate.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DE-FERRAL of Application Nos. 7441-3 and 7442-3 because at this time it is not possible to conclude that unappropriated water is available from the Upper Vermillion Missouri aquifer to satisfy these proposed appropriations. Significant portions of the aquifer have experienced long term downward trending water levels. New appropriations from the aquifer should be deferred until it can be determined if water levels in these areas will stabilize under steady withdrawals. Pursuant to SDCL 46-2A-9, a permit to appropriate water may only be approved if there is a reasonable probability that unappropriated water is avail-

SDCL 46-2A-4(10) that "if the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the Chief Engineer's recommendations 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 these applications presents important issues of public interest that should be heard by the Water Management Board.

The Water Management Board will consider these applications at 9:00 a.m. on March 7, 2013 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications 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 applications 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 recommendations. 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 given above. A petition filed by either an interested person or the applicant must be filed by February 25, 2013. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in 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

The March 7, 2013 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 applications. The request for an automatic delay must be filed by February 25, 2013. 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 time, date and location.

Contact Eric Gronlund by February 25, 2013, at the above Chief Engineer's address to request copies of the staff report, recommendations, applications 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 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 14, 2013. 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 pro-

### **Legal and Public Notices**

vides 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, 46-1-16; 46-1-13 thru 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 46-5-34.1, 46-5-38 46-5-47. 46-5-39, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-21, 46-6-26; and 46-6-14, Board Rules ARSD 74:02:01:01 7 4:02:01:25.02; 74:02:01:35.01.

Steven M. Pirner, Secretary, Department of Environment Natural Resources Published once at the total approximate cost of \$78.28. Published: January 4, 2012

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## **CLAY COUNTY SHERIFF PRESS BRIEFING**

12/23/12 02:12 — A deputy responded to a report of a person spotlighting north of Vermillion. The suspect had left the area.

12/23/12 22:36 — A vehicle was observed with a nonfunctioning headlight in the rural Volin area. The vehicle was stopped and the driver was notified of the problem.

12/25/12 00:50 — Officers assisted the Vermillion Police Department on the east side of Vermillion with a standoff and efforts to encourage a suspect to cooperate concerning a prior domestic dispute report.

12/25/12 03:16 — Deputies responded to a report of a domestic dispute on the west side of Vermillion. Upon arrival, they learned there was no assault or violence. The two parties involved agreed to go to their own homes and the situation was resolved.

12/25/12 13:30 — Deputies assisted the Vermillion Police Department with a death investigation in Vermillion.

12/25/12 13:38 — A caller reported a missing horse. She requested notification if it is found.

12/26/12 09:55 — A caller reported harassing phone calls. A deputy investigated and found that the calls were a legal collection effort.

12/26/12 13:43 — A deputy served an order requiring a person be picked up for a detox hold and held until she was sober. The woman was sober at the time so she was returned to her residence and informed of a hearing date. 12/27/12 15:24 — A deputy

responded to a weather related

crash just west of Vermillion on Highway 50. There were no injuries.

12/28/12 13:33 — A deputy investigated a report of a man asking for money from a neighbor near Meckling saying he had an infant with a high fever. It was found there was no sick infant and the man was looking for gas money to go to Yankton.

12/28/12 14:45 — A deputy took a report from a woman stating her nephew had run up her phone bill without consent. She was advised to deactivate his phone and work with the carrier to resolve the bill.

12/28/12 23:38 — A deputy assisted a conservation officer with a spotlighting investigation north of Vermillion.

12/29/12 11:50 — A deputy investigated a dispute near Burbank. The parties had separated by the time of arrival. No charges were filed.

12/29/12 14:43 — A deputy responded to a report of a 911 call east of Vermillion where a family needed assistance with a woman who needed mental health care. Information was shared regarding options but in this case an involuntary committal was not necessary.

12/29/12 20:06 — A deputy checked on a disabled vehicle on Highway 50 east of Vermillion. The owner had already called for a tow.

12/29/12 20:33 — A deputy checked on a report of a fire northeast of Vermillion and found it was a controlled burn under supervision.

Total Records: 16

### FOR THE RECORD

Cases Disposed 12/21-27/2012 Dominic Gerard Iverson, 45571 313th St., Meckling; Renewal registration during assigned month,

\$54.00 plus costs Todd Tryon, 47987 Meadowlark, Harrisburg; Purchase/attempt to purchase alcoholic beverage by minor,

3.50 plus costs Nitausha A. Cermak, 3700 28th Street #307, Sioux City, IA; Insufficient funds check 3rd degree, \$100 or less, \$46.50 plus costs

Gina D. Moss, 1454 Indian Trail S., Palm Harbor, FL; Speeding other roadways, \$39.00 plus costs Jenaro Moreno-Sanchez, 417 Picotte, Yankton; Speeding other

roadways, \$39.00 plus costs Stephen Muriuki Njagi, 25 Murfield Court, Vermillion; Renewal registration during assigned month,

Gabrielle Anna Jarchow, 824 W. Dartmouth #2, Vermillion; No drivers license, \$54.00 plus costs

\$54.00 plus costs

Randy L. Kozak, Sr., 2301 Deer Blvd., Yankton; Speeding other roadways, \$39.00 plus costs Judge Arthur L. Rusch presiding Matt Ahrlin, 1516 E. Cherry,

Vermillion; Driving under influence-3rd offense, recharged; Exhibition driving, dismissed; Driving under influence-3rd offense\*, court costs, 180 days jail; Two year penitentiary time is suspended based on the conditions of the court

Jamie L. Westover, 106 Slant Street, Wakonda; Driving under influence-3rd offense, recharged; Driving under influence-3rd offense, court costs, 180 days jail; Two years penitentiary time is suspended based on the conditions of the court

Travis C. Law, 9 Antelope Place, Dakota Dunes; Forgery, recharged; Possess forged instrument with intent to defraud, recharged; Petty theft 2nd degree-\$400 or less, dismissed; Possession controlled substance,

## **■ THANKS** From Page 3

appreciated.

mistake.

Save the Lund Theater: This little theater in Viborg has been a great convenience to many people/children in the local region. For anyone who is able and willing to help preserve this historic attraction, please help them reach their goal to upgrade the community theater. Moving to digital is a costly and necessary process and all funds are

My hats off to the economic directors and volunteers in Vermillion, Viborg, and Parker. Centerville's economic development has been getting stronger as are the other towns. I have always appreciated being invited to your meetings, and always wished there was more I could do as legislator. Unfortunately, we are not in position to help specific communities due to it being viewed as favoritism or "pork." Any legislation has to be (should be) drafted with a broad stroke so that all similar communities have

Again, Thank You to all, believe me there are many times when being a legislator I wished that the other guy/gal would have won, but

the potential to benefit equally and

not limited to only one specific

town. That goes for all legislation

including education, health care,

etc., unfortunately.

recharged; Use or possession of drug paraphernalia, dismissed; Forgery, court costs, 60 months penitentiary; Possess forged instrument with intent to defraud, dismissed; Possession controlled substance, four years penitentiary; Five years penitentiary time is suspended based on the conditions of the court Julie Long Pumpkin, 800 W. 4th St.

Apt. 2, Sioux Falls; Driving under influence-3rd offense, recharged; Fail to report accident to police officer, dismissed; Driving with suspended (not revoked) license, dismissed; Open alcoholic beverage container accessible in vehicle, dismissed; Driving under influence-3rd offense, court costs, 180 days jail, 10 suspended; Habitual offender-1 or 2 prior felonies, dismissed; Two years penitentiary time is suspended based on the conditions of the court

Deja Shields, 221 E. Main St., Vermillion; Assault by adult confined in jail, recharged; Possess two ounces of marijuana or less, recharged; Ingest intoxicant other than alcoholic beverage, recharged; Disorderly conduct, dismissed; Assault by adult confined in jail, court costs: Possess two ounces of marijuana or less, dismissed; Ingest intoxicant other than alcoholic beverage, dismissed; One year penitentiary time is suspended based on the conditions of the court

Brad Kimball, 205 Stanford, Vermillion; Driving under influence-3rd offense, court costs, 180 days jail; Two years penitentiary time is suspended based on the conditions of the court

Keith Cornett, 30 Main St., Rapid City; Burglary-2nd degree, recharged; Petty theft-1st degree-more \$400, recharged; Intentional damage to property-\$400 less-3rd degree, dismissed; Burglary-2nd degree, court costs, four years penitentiary, 118 days credited; Petty theft-1st degree-more \$400; Two years in state penitentiary is suspended based on the conditions of the court Juliana Adams, 900 E. 8th Street,

Sioux Falls; Forgery, recharged; Obtain/attempt to obtain Rx by fraud, deceit or misrepresentation, recharged; Forgery, recharged; Obtain/attempt to obtain Rx by fraud, deceit or misrepresentation, recharged; Forgery, court costs, five years penitentiary; Obtain/attempt to obtain Rx by fraud, deceit or misrepresentation, court costs, one year jail; Forgery, dismissed; Obtain/attempt to obtain Rx by fraud, deceit or misrepresentation, dismissed; Habitual offender-3+ prior felonies, dismissed; One year penitentiary time is suspended based on the conditions of the court

Kenneth William Story, 900 8th Street, Sioux Falls; Forgery, recharged; Obtain/attempt to obtain Rx by fraud, deceit or misrepresentation, recharged; Forgery, four years penitentiary, 32 days credited; Obtain/attempt to obtain Rx by fraud, deceit or misrepresentation, dismissed; Habitual offender-3+ prior felonies, dismissed; Two years penitentiary is suspended based on the conditions of the court Brandon Jay Reiter, 925 Madison,

Vermillion; Driving under influence-3rd offense, recharged; Driving under influence-3rd offense, court costs, 180 days in jail; Two years penitentiary is suspended based on the conditions of the court

Juliana Adams, 900 E. 8th Street, Sioux Falls; Identity theft, recharged; Forgery, recharged; Petty theft 2nd degree-\$400 or less, dismissed; Identity theft, court costs, two years penitentiary; Forgery, dismissed; Habitual offense-3+ prior felonies, dismissed; Conditions: 1 Shall repay \$104 in court costs; 2. \$51.05 in state prosecution costs; 3. Pay restitution in the amount of \$61.82; 4. Penitentiary sentence shall run concurrent with sentence in Clay County Criminal File

overall it is definitely an experience I will carry with me long into the future. I would be happy to help anyone interested in running for the district politics, (even you Dems, ha ha- I'll help you too, "trust me"). So continue to voice your opinions, just do so in a respectful manner because, the new people in the legislature

for sure have so much to learn the first 2 years before they can start to feel comfortable with many of the topics, plus remember we are only in session for 2 months to learn basically all that there is to learn. Sincerely,

representative for District 17.

Jamie Boomgarden

Soon to be former state

## The Broadcaster Press/Plain Talk is seeking

an experienced graphic artist professional.

Qualifications: Experience in graphic design, newspaper layout and knowledge of Adobe Acrobat, Photoshop, Quark, Multi-Ad Creator Pro and InDesign. Applicants should be detail oriented, ability to multi-task and able to function well in a fast-paced environment.

Full-time Monday-Friday. Medical, dental, and vision insurance available. Paid time off/ vacation time available after 90 days of

Interested applicants send cover letter, portfolio and resume to: Micki Schievelbein Advertising Director 201 W. Cherry St. Vermillion, SD 57069

or email

Broadcaster 201 W. Cherry St., Vermillion, SD

micki.schievelbein@yankton.net