

# 10 Vermillion Plain Talk

## 2010 Legal and Public Notices

DATED this 28th day of May, 2014.

MARIAN JOSEPHINE WEEKS  
901 Maine Apt. # 1  
Lawrence, KS 66044  
Tel: (785) 840-4332  
*Co-Trustee*

PATRICIA L. BANCROFT  
104 South Harvard  
Vermillion, SD 57069  
Tel: (605) 670-9799  
*Co-Trustee*

### PREPARED AND SUBMITTED BY:

**Ray Edgington**  
**Colby M. Lessmann, SBSB # 3066**  
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*ATTORNEYS FOR CO-TRUSTEES*

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### STATE OF SOUTH DAKOTA COUNTY OF CLAY

### IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

SunTrust Mortgage, Inc.,  
  
Plaintiff,

vs,

Brad D. Melstad; Beth A. Melstad; and any person in possession,

Defendants.

Civil No. 14-14

### NOTICE OF REAL ESTATE SALE

\*\*\*\*\*  
Judgment in the amount of \$88,447.90 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 April 16, 2014, 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 December 15, 2011, which Bradley D. Melstad and Beth A. Melstad, Mortgages, executed and delivered to Mortgage Electronic Registration Systems, Inc., Mortgagee:

Lots 1 and 2, Block 27, Town of Wakonda, Clay County, South Dakota.

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the December 20, 2011, Book 132, Page 858; Said Mortgage was assigned to SunTrust Mortgage Inc. by Assignment of Mortgage dated September 12, 2013, recorded September 13, 2013, in Book 135 of Mortgages on Page 632, in order to realize the amount of \$90,142.00, as of December 15, 2011, plus interest accruing thereafter on said amount at the rate of 3.50% 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 lien for unpaid real estate taxes and assessments of Clay County, South Dakota, and easements and

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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 July 2, 2014, at 10:00 A.M. (CT).

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

Dated May 13, 2014.

Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM

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

**Published twice at the total approximate cost of \$66.13. Publish: June 20 & 27, 2014.**

### NOTICE OF APPLICATION NOS. 7993-3, 7994-3, 7995-3 and 6811A-3 to Appropriate Water

Notice is given that Hansen Properties, PO Box B, Centerville SD 57014 has filed the following applications for a water permit.

Application No. 7993-3 proposes to appropriate 1.11 cubic feet of water per second (cfs) from one well to be completed into the South Management Unit of the Upper Vermillion:Missouri Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 34 for irrigation of 53 acres located in the E 1/2 SW 1/4, SW 1/4 SE 1/4 Section 34; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Application No. 7994-3 proposes to irrigate 72 new acres. Water Permit No. 6818-3 appropriates 1.55 cfs from one well completed into the South Management Unit of the Upper Vermillion:Missouri Aquifer (100 feet deep) located in the center of the NE 1/4 Section 28 to irrigate 117 acres located in the N 1/2 Section 28; all in T95N-R52W. This application is to irrigate 72 new acres located in the NW 1/4 Section 28-T95N-R52W from the existing well. The application also corrects the location of the existing well which is located in NW 1/4 NE 1/4 Section 28-T95N-R52W. This application, if approved, does not authorize any increase in the developed diversion rate.

Application No. 7995-3 proposes to irrigate 25 new acres. Water Right No. 6812-3 appropriates 1.78 cfs from one well completed into the South Management Unit of the Upper Vermillion:Missouri Aquifer (158 feet deep) located in the SW 1/4 SW 1/4 Section 10 to irrigate 66 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 10; all in T95N-R52W. This application is to irrigate 25 acres located in the S 1/2 SE 1/4 Section 10-T95N-R52W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate.

Application No. 6811A-3 proposes to reinstate Permit No. 6811-3. Permit No. 6811-3 appropriates 1.78 cfs from one well to be completed into the South Management Unit of the Upper Vermillion:Missouri Aquifer (approximately 100 feet

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deep) located in the NE 1/4 NW 1/4 Section 10 to irrigate 115 acres located in the NW 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4 Section 10; all in T95N-R52W. The permit was approved May 14, 2007, and the project was to be completed May 14, 2012, with water being put to beneficial use by May 14, 2016. Application No. 6811A-3 proposes to reinstate Water Permit No. 6811-3 since the project has not been completed. Approval of No. 6811A-3 will cancel No. 6811-3.

Application No. 6811A-3 to reinstate Permit No. 6811-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7993-3, 7994-3, 7995-3 and 6811A-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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 30, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

**Published once at the total approximate cost of \$56.11. Publish: June 20, 2014.**

### 100 - NOTICE TO BIDDERS

Notice is hereby given that the Governing Body of the City of Vermillion, South Dakota will meet at the City Hall meeting room of said City on the **1st day of July 2014, at 2:00p.m.** at which time bids and proposals will be received, publicly opened and read. The bids will be acted upon by the City Council at City Hall located at 25 Center Street on the 7th day of July 2014, at 7:00 p.m. The materials and services required are as follows:

**2014 Chip Seal**  
**The major quantity is 48,047 SY of Chip Seal**

Copies of the specifications are available for review at the office

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of the City Engineer, 25 Center Street, Vermillion, South Dakota, 57069.

Bid security is required according to state law and the bid specifications.

Payment for the materials and services herein provided for will be in cash.

The City of Vermillion reserves the right to reject any or all bids and to waive any irregularities therein.

Dated at Vermillion, South Dakota this 6th day of June, 2014.

CITY OF VERMILLION

Jose L. Dominguez, P.E., City Engineer

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**The University of South Dakota** is accepting sealed bids for USD Mesocosm until 2:00 P.M., July 1st, 2014. Sealed bids must be delivered to the University of South Dakota, Purchasing Office, 209 Slagle Hall, 414 East Clark St., Vermillion SD. Copies of the bid solicitation and specifications may be obtained by bidders at the office of A&D Technical Supply, 1822 N Street, Lincoln, Nebraska, phone number: (402)474-5454. The University reserves the right to reject any and all bids.

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### Notice of Conservation District Supervisor Vacancy

Clay County Conservation District Board of Supervisors

As of December 31, 2014, there will be 4 vacancies on the Clay County Conservation District Board of Supervisors due to the expiration of the current term of office of Roger Hansen, Mike Lynch, Todd Christensen, and Terry Taggart. All parties interested in election to the board please contact Connie Wulff, District Manager. Note: All petitions must be signed and filed on or before July 1, 2014. Please note these vacancies are for #2 and #3 Rural Landowner or Occupier, Urban member, and Taxpayer of Real Property. If you have any questions, please contact the Clay County Conservation District, 121 W Kidder, Suite 103, Vermillion, SD 57069. (605) 624-7060 extension 3.

**Published twice at the approximate cost of \$19.06. Publish: June 13 & 20, 2014.**

### STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

### IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF GAYLE FUCHS,

DECEASED.

PRO. 14-12

### NOTICE TO CREDITORS

\*\*\*\*\*  
Notice is given that on the 9th day of June, 2014, WILLIAM S. FUCHS, whose address is 903 N. Monroe Avenue, Pierre, SD 57501, was appointed as personal representative of the estate of Gayle Fuchs, Deceased.

Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

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Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Dated this 9th day of June, 2014.

William S. Fuchs  
903 N. Monroe Avenue  
Pierre, SD 57501  
(605)280-3937

JESSICA BOSSE  
CLERK OF COURTS  
PO BOX 377  
VERMILLION, SD 57069  
(605)677-6755

Craig K. Thompson  
Craig K. Thompson Law Office  
PO Box 295  
Vermillion, SD 57069  
(605)624-2097  
[craig@cktlaw.net](mailto:craig@cktlaw.net)

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**The University of South Dakota** is accepting sealed bids for USD Parking Lot Restriping, Various Locations until 2:00 P.M., June 24th, 2014. Sealed bids must be delivered to the University of South Dakota, Purchasing Office, 209 Slagle Hall, 414 East Clark St., Vermillion SD. Copies of the bid solicitation and specifications may be obtained by bidders at the office of Stockwell Engineers, Inc., 600 North Main Avenue, Suite 100, Sioux Falls, South Dakota, 57104, telephone number: (605) 338-6668. The University reserves the right to reject any and all bids.

**Published twice at the total approximate cost of \$13.70. Publish: June 13 & 20, 2014.**

### STATE OF SOUTH DAKOTA COUNTY OF CLAY

### IN CIRCUIT COURT FIRST JUDICIAL DISTRICT

Estate of MARTIN WEEKS,

Deceased.

Probate No. 14-9

### NOTICE TO CREDITORS

Notice is given that on the 30th day of May, 2014, in the Circuit Court of Clay County, South Dakota, MARIAN JOSEPHINE WEEKS, whose address is 901 Maine, Apt. # 1, Lawrence, KS 66044, was informally appointed by the Clerk as Personal Representative of the Estate of Martin Weeks.

Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

DATED this 4th day of June, 2014.

MARIAN JOSEPHINE WEEKS  
901 Maine Apt. # 1  
Lawrence, KS 66044  
Tel: (785) 840-4332

### PREPARED AND SUBMITTED BY:

## 2010 Legal and Public Notices

**Colby M. Lessmann, SBSB # 3066**  
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*ATTORNEYS FOR MARIAN JOSEPHINE WEEKS PERSONAL REPRESENTATIVE*

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### MINUTES OF THE VERMILLION SCHOOL BOARD

Regular Meeting  
Unapproved Minutes

June 9, 2014

### VERMILLION PUBLIC SCHOOLS

Board members present: Esping, Fairholm, Lavin, Schwasinger, Stammer.

Presiding officer present: Esping-president.

Officer present: Beermann-business manager.

Administrators present: Froke - superintendent, Cameron-high school principal, Benson-special services director, and Huska-dean of students.

School attorney present: McCulloch.

Item #1-1914  
Sandy Dickenson, Community Theater Organization representative, requested use of the high school theater for their children's workshop in June and summer production in July.

Motion by Lavin, seconded by Stammer, to approve the Community Theater Organization use of the high school theater at no cost for the summer 2014. The Community Theatre will make sure the facility is cleaned and well kept on a daily basis.  
Aye: Unanimous.

Item #2-1914  
Motion by Fairholm, seconded by Lavin, to approve the agenda as presented.  
Aye: Unanimous.

Item #3-1914  
Motion by Schwasinger, seconded by Stammer, to approve the minutes of the May 13, 2014 board meeting as presented.  
Aye: Unanimous.

Item #4-1914  
Motion by Schwasinger, seconded by Stammer, to accept the business manager's report for the month ending May 31, 2014 and approve the payment of claims as presented.  
Aye: Unanimous.

Item #5-1914  
Froke presented information on the following items:  
1. Middle school roofing project, and,  
2. Beyond School Adventure summer enrollment.

Item #6-1914  
Beermann presented information on summer food service program participation.

Item #7-1914  
Stammer and Schwasinger presented information on the finance committee meeting held May 23, 2014.

## Financial Report to the School Board from the Business Manager - Vermillion School District #13-1

Reporting Month:	General Fund	Capital Outlay Fund	Special Ed Fund	Pension Fund	Bond Red. Fund	Enterprise Funds	Food Service Fund	Internal Service Fund	T & A Fund
<b>MAY 2014</b>									
<b>Beginning Cash Balance</b>	1,517,553.77	1,814,786.84	431,747.48	732,153.70	445,443.86	68,251.77	284,024.88	458,413.12	52,233.29
<b>Local Sources:</b>	1,438,125.15	651,203.71	333,174.94	64,423.75	101,886.16	7,390.35	16,828.67	17,698.22	6,720.60
<b>County Sources</b>	11,286.18								
<b>State Sources</b>	233,100.00		27,778.00			569.00			
<b>Federal Sources</b>	46,500.50					342.48	30,661.59		
<b>Miscellaneous</b>									
NSF Checks Reversed									
<b>TOTAL RECEIPTS</b>	1,729,011.83	651,203.71	360,952.94	64,423.75	101,886.16	8,301.83	47,490.26	17,698.22	6,720.60
<b>TOTAL DISBURSEMENTS</b> Transfers/Voided Check	632,664.76	69,682.89	137,815.02		228,312.50	9,401.73	69,873.67	2,878.05	17,668.27
<b>Other Financing Sources</b>									
<b>Ending Cash Balance</b>	2,613,900.84	2,396,307.66	654,885.40	796,577.45	319,017.52	67,151.87	261,641.47	473,233.29	41,285.62