

**Cool Weather, Rain Delays Field Work In Neb.**

LINCOLN, Neb. (AP) — Cooler weather and more rain are hampering crop development and field work in Nebraska as flooding continues to affect low-lying fields along the Missouri and Platte rivers.

The weekly crop report on Monday says high winds and hail fell across many areas of the state last week where crops were damaged. Storms also dumped heavy rain, with over an inch in many sections of Nebraska.

Seventy-six percent of the corn crop is in good to excellent condition, which is near last year. Soybean planting is nearly complete, at 96 percent, slightly ahead of last year and the average. Seventy-eight percent of the crop is in good to excellent condition.

Progress has been made on the first cutting of alfalfa, at 83 percent complete. The average is 79 percent.

**State Provides Help For S.D. Mosquito Control**

PIERRE (AP) — Gov. Dennis Daugaard said the state will provide \$200,000 worth of chemicals to control mosquitoes in 36 counties that have received a federal flood disaster designation.

Daugaard said mosquito control will be especially important in areas where flood water will persist through much of the summer. Some species of mosquitoes can transmit West Nile virus from infected birds to humans.

South Dakota has reported more than 1,700 cases of human West Nile Virus, including 26 deaths, since 2002. The peak transmission season for the virus is mid-July through mid-September.

**Study Touts S.D.'s Road Investments**

SIOUX FALLS (AP) — A national study gives South Dakota high marks for investing in road repair and maintenance.

A report by Transportation for America and Smart Growth America found that South Dakota spent 78 percent of its highway capital funds on repair and maintenance from 2004 to 2008. The groups said that was the highest rate in the nation.

State Transportation Secretary Darin Bergquist told the Argus Leader that preserving roads has been the state's focus the past few years and is the right approach now.

Even so, the study said 43 percent of the state's roads have fallen out of good condition.

Bergquist said the biggest uncertainty is how much money Congress will continue dedicating to highways because three-fourths of highway construction money comes from the federal government.

**S.D. AG Says Extension Service Cuts Are Legal**

PIERRE (AP) — Attorney General Marty Jackley says cuts to South Dakota's Cooperative Extension Service do not violate federal law.

Several state lawmakers asked for the opinion, saying the cuts made by the Legislature this year to deal with a budget deficit might violate the mission of the state university system under federal law. Jackley on Monday said that isn't the case.

Jackley says federal law that provided land to establish South Dakota State University does not even require an Extension Service. He also says the state appropriated enough matching money for federal funds.

The cuts to the Extension Service resulted in layoffs and the closure of some research stations and labs. The service is reorganizing into seven regional centers to help offset the loss of \$1.2 million in state and federal funding.

**Embattled Circuit Judge To Retire**

BY CHET BROKAW  
Associated Press

PIERRE — A South Dakota circuit judge found to have violated judicial codes of ethics has decided to retire from the bench instead of serving probation.

The state Supreme Court last month ruled that Circuit Judge A.P. "Pete" Fuller of Rapid City had to retire unless he agreed to undergo a six-month suspension followed by strict probation for misconduct that included mistreating lawyers, court personnel and others.

In a written statement, Fuller said the suspension and probation could cost him as much as \$174,500, and he does not have the financial ability to meet those terms.

The 68-year-old judge said he will retire from the bench and begin practicing as a lawyer in July.

In the Supreme Court's unanimous decision last month, the five justices found that Fuller violated constitutional provisions and ethics codes that require judges to conduct themselves in ways to promote public confidence in the judicial system. However, they said they believe he is capable of rehabilitation.

The case marked the first time in the 121-year history of South Dakota's judicial system that the Supreme Court had been asked to remove a judge from the bench.

The state Judicial Qualifications Commission had recommended that Fuller be removed from the bench because he repeatedly displayed a lack of courtesy and respect for lawyers, court staff and others. Commission lawyer Michael J. Schaffer of Sioux Falls declined comment Monday on Fuller's announcement.

Thomas Nicholson of Sioux Falls, a lawyer representing Fuller, said the judge's decision was based on finances.

"He really did want to go back on the bench. He loved being a judge, but the financial part was just too big for him," Nicholson said.

The Supreme Court found that Fuller damaged the reputation of the judicial system, made insensitive racial and sexist jokes, insulted lawyers, conducted himself on the bench with unconscionable arrogance, used abusive language and rudely mistreated court personnel.

The high court ordered that Fuller be retired involuntarily unless he agreed to be suspended for another six months without pay and then serve probation for an indefinite time. He would have been required to complete an accredited course on judicial ethics and resume therapy for behavior problems.

**Sand Shortage Causing Concern**

BY HEATHER HOLLINGSWORTH AND WILLIAM DRAPER  
Associated Press

ST. JOSEPH, Mo. — The supply of sand used to fill hundreds of thousands of bags needed to fight off the swollen Missouri River is running low after weeks of relentless flooding. It's a problem that could get worse as the river is expected to remain high through August, making it unsafe to gather sand from the easiest place to get it: the river itself.

The sand shortage comes as the bloated river rose to within 18 inches of forcing the shutdown of Cooper Nuclear Plant at Brownville, Neb. It stopped and ebbed slightly Monday, a reprieve caused by levee breaches in northwest Missouri.

Flooding is a concern all along the river because of the massive amounts of water that the Army Corps of Engineers has released from six dams. Any significant rain could worsen the flooding especially if it falls in Nebraska, Iowa or Missouri, which are downstream of the dams.

During the next few days, the river is expected to rise as much as 5 to 7 feet above flood stage in much of Nebraska and Iowa, and as much as 10 feet over flood stage in parts of Missouri. It could stay above flood stage into August.

The Army Corps of Engineers is monitoring the sand supply, said Jud Kneuvean, chief of emergency management for the corps' Kansas City District. He said a ton of sand produces about 60 sandbags. Sand also is piled along weakened areas of levees to prevent seepage.

"You need lots of sand, lots of sand," Kneuvean said.

In a pinch, other materials can be used — everything from gravel to lime products.

"Unfortunately, though, when some of those get wet they harden up and it decreases the flexibility of sand bags and it basically forms concrete," Kneuvean said.

Dan Sturm, the fire chief in Hamburg, Iowa, joked that his community deserves blame for thinning sand supplies.

"We probably took all the sand," Sturm said.

Hamburg has filled at least 250,000 sandbags and dumped truckloads into fabric-lined metal-frame baskets to create a makeshift barrier to hold back water pouring through a breached Missouri River levee.

Downstream, St. Joseph has filled 365,000 sandbags to reinforce low spots on levees and protect city buildings and the airport at Rosecrans Air National Guard base, said public works director Bruce Woody.

The local supply of sand quickly ran out after flooding began in St. Joseph, and the

river was moving too swiftly to allow for dredging, Buchanan County emergency director Bill Brinton said. The county had to ship in sand from Topeka, Kan., and Kansas City, Mo.

Atchison, Kan., also had to purchase sand from the Kansas City area, about an hour's drive away, city manager Trey Cocking said.

Suburban Kansas City-based Ash Grove Aggregates & Ready Mix, which sells sand, typically dredges the river at St. Joseph for sand. Because the river is so high and the current so strong, the company has been forced to cease dredging and may not start again until August, company president Allan Emby said.

Despite the shortage, he is refusing to raise the price.

"I can't morally in my own brain think about increasing prices because of flooding," Emby said.

Mark Becker, spokesman for Nebraska Public Power District, said the river rose to 900.56 feet at Brownville on Sunday, then dropped to 900.4 feet later in the day and remained at that level Monday. The Cooper Nuclear Plant was operating at full capacity.

The utility sent a "notification of unusual event" to the Nuclear Regulatory Commission when the river rose to 899 feet early Sunday morning. The declaration is the least serious of four emergency notifications established by the federal commission.

**Pierre Pumping Heavy Rains Outside Levee**

BY DIRK LAMMERS  
Associated Press

SIOUX FALLS — Pumps in the city of Pierre were busy moving rainwater outside protective flood levees on Monday after morning thunderstorms soaked South Dakota's capital and fed the already swollen Missouri River.

The storm dropped as much as 1 1/2 inches of rain in the city, and another round of thunderstorms was expected to move through the region later in the day. With storms sewers plugged because of the river level, Pierre and other areas protected behind the levees have to pump rainwater out over the flood barriers.

Mayor Laurie Gill said police officers had to divert traffic around water that was pooling on

Main Street and the highway leading into Pierre on Monday, causing problems for morning commuters.

"It was raining heavily right before 8 a.m. when people were moving around trying to get to work," she said.

Crews cleared some storm drainage outlets that had collected debris, and the pumps should be able to catch up with the rainfall, Gill said. Across the river in Fort Pierre, rainwater also met drivers on Highway 83 but crews were working to pump it out, said Mayor Sam Tidball.

Pierre, Fort Pierre and Dakota Dunes are using emergency earthen levees to hold back the rising Missouri River. The U.S. Army Corps of Engineers is pushing record amounts of water through its dams to get rid of un-

expectedly heavy rains that fell last month upstream in eastern Montana and Wyoming and western North Dakota and South Dakota.

The corps upped the water releases from Oahe Dam a few miles upstream Pierre by 10,000 cubic feet per second over the weekend, but officials said the Missouri River has risen only around 4 1/2 inches as a result. Releases are now at 160,000 cubic feet per second as the corps tries to make room in the reservoir for the heavy rains.

Mike Connelly, a meteorologist with the National Weather Service's Aberdeen office, said 1.39 inches fell at the Pierre airport and two residents with rain gauges in the city each recorded more than 1.5 inches.

Connelly said there was a po-

tential for more thunderstorms late Wednesday, and the area could see another inch of rain over the next 36 hours. The weather service has issued a flash flood watch for much of the state.

"Of course when you're talking thunderstorms, you're going to get a huge difference from one location to another," he said. "It just depends on who gets hit and for how long."

Severe thunderstorms headed into central and southeastern South Dakota on Monday afternoon could bring heavy rain, damaging winds, large hail and tornadoes, said Lisa Schmit, a National Weather Service meteorologist.

The corps said it adjusted the dam releases in anticipation of potential heavy rains.

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