



Partly Cloudy

9 a.m. **68** 3 p.m. **80** | DETAILS: Page 2

TUESDAY ■ June 23, 2015



OVERNIGHT
STORMS CAUSE
DAMAGE IN
EASTERN SD

PAGE 3

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75¢



Changing Gears



KELLY HERTZ/P&D

These people spent a few moments Monday afternoon looking out over the quiet tailwaters below Gavins Point Dam. The U.S. Army Corps of Engineers announced Monday that it is taking steps to reduce the flood risk in the system after record rains fell in May.

After Record Month Of Rain, Corps Switches To Flood Mode

BY ALYSSA SOBOTKA
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With May's precipitation amounts breaking the nation's previous record, the U.S. Army Corps of Engineers Missouri River Basin Water Management Division has shifted its concerns from drought conservation to flood risk management, it announced during a conference call Monday.

The conference call and webinar was open to congressional delegations, Tribes, state, county and local governments and the media.

Jody Farhat, chief of water management division, explained the decision to host a conference call on the significant

changes in basin conditions. The last conference call was on May 7, when the Corps discussed the drought threat.

"(Last call) we had anticipated having to implement drought conservation measures as early as July 1," Farhat said. "Heavy rains throughout the basin has increased the inflows into the Corps' tributary and mainstream reservoirs and shifted the focus of the Corps' mainstream reservoirs from drought conservation to flood risk management."

Discussing the abrupt shift of precipitation and the affected areas was Kevin Lowe, National Weather Service hydrologist.

"During the last six weeks, several

rounds of thunderstorm activity have led to minor to moderate flooding, extending from the foothills of Colorado and Wyoming, eastward to the mouth of the Missouri at St. Louis."

Locations in Colorado, Nebraska and Missouri have experienced major flooding and at least three locations have set new stage records, according to Lowe. Those locations include: Powder River in Wyoming, Salt Creek in Nebraska and Little Blue River in Kansas.

Before the Corps officially made any decision on handling the increased movement of water, they looked ahead

DAM | PAGE 14

S.D. DUI Law Looks Incomplete To State Judges

BY BOB MERCER
State Capitol Bureau

PIERRE — Implied consent, the state law that declared a motorist must submit to a blood test when suspected of driving under the influence of alcohol or drugs, appears to be on the doorstep of being discarded as legal doctrine in South Dakota.

Twice in the past year, the South Dakota Supreme Court ruled unanimously for defendants where blood was drawn without the person's consent and without law enforcement officers getting a warrant first.

The court's latest decision came two weeks ago, regarding the arrest of Eric Medicine by a Rapid City police officer on May 3, 2014.

The officer read from a DUI advisement card telling Medicine that any driver in South Dakota "has consented" to a blood draw and next asked that the driver "submit" to the draw.

The court said Medicine didn't know he could refuse the blood draw and that the officer would have needed to ask a judge to find probable cause and issue a warrant to proceed with the blood draw.

Medicine's arrest occurred about three months before the South Dakota Supreme Court on Aug. 20, 2014, issued a far-reaching rejection of blood draws taken without first obtaining consent or a warrant.

That earlier case involved the arrest of motorcyclist Shauna Fierro by South Dakota Highway Patrol troopers on Aug. 4, 2013, in Butte County. Fierro didn't want to allow her blood to be drawn and said so, at one point pulling her arm away.

In its Fierro decision, the court said compelling a blood draw without consent and without a warrant was unconstitutional.

The justices said the blood draw was a violation of the defendant's rights against unreasonable search and seizure protected by the Fourth Amendment of the U.S. Constitution and Article VI of the state constitution.

"Furthermore," the justices said in Fierro, "our precedent is clear that the Legislature cannot enact a statute that would preempt a citizen's constitutional right, such as a citizen's Fourth Amendment right."

Robbie Rohl of Rapid City, the appeals lawyer for the defendant in the Medicine case, said it was his understanding that other judges in some instances were waiting for the Medicine decision before ruling on suppression motions regarding blood tests in other DUI cases.

Another Rapid City lawyer, Randal Connelly, represented Medicine at the trial level. Circuit Judge Thomas Trimble had ruled in Medicine's favor on Connelly's motion to suppress the blood evidence.

Rohl said the South Dakota Supreme Court didn't spe-

DUI | PAGE 14

Host Families Sought Archer

BY JEREMY HOECK
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Yankton will be the home for five weeks this summer for an archer from Trinidad and Tobago, and now the challenge is finding her a temporary home.

Nee-la Cezair, a 23-year-old archer from Port of Spain, will be in Yankton from June 29-Aug. 4 to train at the Easton Yankton Archery Center. And officials are searching for a host family.

The invitation to Cezair was in part to follow up on the momentum witnessed at the World Archery



Santacruz

ARCHER | PAGE 14

Meridian Plaza To Enter Phase II This Summer

BY ROB NIELSEN
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With work on the first phase of the Meridian Plaza close to wrapping up, the Yankton City Commission is looking ahead to the second phase of the project.

The commission voted unanimously Monday night to move forward with the \$125,565 second phase.

Parks and Recreation director Todd Larson said the second phase will mean a number of new additions.

"It's looking at doing work on the east side of the upper deck ramp and the west side, going underneath," Larson said. "There's a part of it that will take place south of Levee St. as we attach a walking trail from the west side of that parking lot, past the submarine memorial and then past the Meridian Bridge plaque. ... We would add a path on the east side of the bridge."

Phase two will also add COR-TEN steel planters with stainless steel backsplashes



KELLY HERTZ/P&D

A crew from Welf Construction is shown working on the Meridian Plaza project Monday afternoon in Yankton. City commissioners were briefed Monday night on plans for the second phase of the project.

provided by Bow Creek Concrete to help aesthetically break up the concrete. There's also plans for a permanent sculpture walk in the plaza.

Larson said there will also be a phase two addition to the plaza for the more musically inclined.

"The other neat feature incorporated into this would be the interactive musical instruments," he

said. "We have three of those planned. One of them is the big gong pipes that would hang there, another is a smaller xylophone and — for lack of a better term — the other one's kind of a xylophone too."

He added the instruments will tie into the grand scheme of the plaza.

PLAZA | PAGE 14

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TOMORROW: Progress Made On Fire Department Museum

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