

**WILES & RYLANCE**  
**ATTORNEYS AT LAW**  
3 East Kemp - Suite 200  
P. O. Box 227  
Watertown, South Dakota 57201-0227  
(605) 886-5881

**FACSIMILE**  
(605) 886-3934

**E-MAIL:**  
[jcw@wilesandrylance.com](mailto:jcw@wilesandrylance.com)

John C. Wiles, P.C.  
Raymond D. Rylance, P.C.  
Amanda M. Thole

July 20, 2017

Certified US Mail- Return Receipt Requested  
South Dakota Game Fish and Parks Commission  
523 E. Capitol Ave  
Pierre, SD 57501

RE: Petition to Repeal and Amend ARSD 41:04:02:12

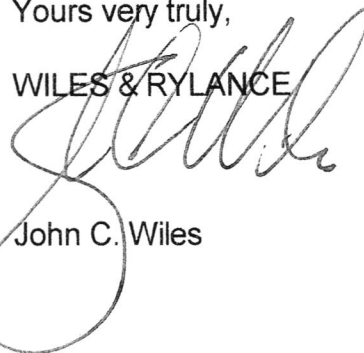
To Whom It May Concern:

Please find enclosed the Petition of M&E Land Company for an Administrative Rule Change pursuant to SDCL 1-26-13. We request that you initiate the appropriate rule-making procedures pursuant to SDCL 1-26-4.

This is intended to service upon the Commission pursuant to SDCL 1-26-13.1.

Yours very truly,

WILES & RYLANCE



John C. Wiles

JCW/ajt

Encs.

Cc: Kelly Hepler- Secretary ✓  
Tony Leif- Director of Wildlife Management  
Ann Mines Bailey- Legal Counsel  
Doug Sharp- Commissioner  
Mike Klosowski  
Mike Meyer

STATE OF SOUTH DAKOTA )  
 : SS  
COUNTY OF HUGHES )

BEFORE THE GAME, FISH AND  
PARKS COMMISSION

\*\*\*\*\*

IN THE MATTER OF THE PETITION TO  
AMEND ARSD 41:04:02:12

PETITION

\*  
\*  
\*  
\*  
\*  
\*  
\*

\*\*\*\*\*

TO THE SOUTH DAKOTA GAME, FISH AND PARKS COMMISSION:

M&E Land Company, a South Dakota Corporation, having its principle place of business at 312 9th Street SE, Watertown, South Dakota 57201, pursuant to SDCL 1-26-13, hereby petitions the South Dakota Game, Fish and Parks Commission to repeal and replace ARSD 41:04:02:12 by amending its existing rule for public water safety zones in Clark County, South Dakota.

Petitioner, which owns real property lying contiguous to Swan Lake in Clark County, South Dakota, hereby petitions the South Dakota Game, Fish and Parks Commission to repeal ARSD 41:04:02:12 in its entirety and in lieu thereof, amend it to read as follows:

**41:04:02:12 Clark County public safety zones.** The Clark County public water safety zone is the waters within Reid Lake and Swan Lake which are designated as a "no boating zone" from October 20 to December 31, inclusive.


This petition is filed for the following reasons:

1. It is supported by a majority of the land owners lying contiguous to Swan Lake. See Exhibit A, attached.
2. Precedence for restricted boat access has been established for resting migratory waterfowl on the Missouri River and on McKilligan Lake, Horseshoe Lake, and a portion of Long Lake in Codington County pursuant to SDCL 41:04:02:14.
3. The requested restriction is the least restrictive enforcement tool the State of South Dakota has to provide a protected rest area for migrating waterfowl during the low plains duck season
4. It enhances hunting opportunities on the state-owned game production area on the south end of Swan Lake

5. It benefits resident and non-resident field hunting surrounding Swan Lake on approximately 700 acres of public lands
6. It does not adversely impact early season fishing and duck hunting for locally produced waterfowl
7. It is a compromise that minimizes trespass issues during the federal waterfowl season
8. It reduces law enforcement demands for regulatory personnel on a non-meandered body of water

Respectively submitted this 20 day of July, 2017.

M&E Land Company

By:  Pres.  
Michael F. Meyer, President  
312 9th Ave SE  
Watertown, SD 57201-4856

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

**CERTIFICATE OF SERVICE**

I, John C. Wiles, hereby certify that a true and correct copy of the foregoing "PETITION" was served upon the following persons by First Class United States Mail on the 20<sup>th</sup> day of July, 2017:

South Dakota GFP  
Commission  
523 E. Capitol Ave  
Pierre, SD 57501

Ann Mines Bailey  
Office of the Attorney  
General  
PO Box 1302, East Hwy  
14  
Pierre, SD 57501

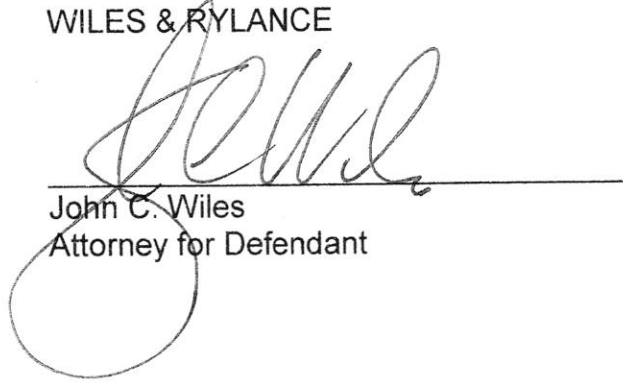
Mike Klosowski  
South Dakota Game Fish  
and Parks  
Watertown Regional Office  
400 West Kemp  
Watertown, SD 57201

Kelly Hepler  
Secretary  
South Dakota GFP  
Commission  
523 E. Capitol Ave  
Pierre, SD 57501

Doug Sharp  
Commissioner  
PO Box 1654  
Watertown, SD 57201

Tony Leif  
Director of Wildlife  
South Dakota GFP  
Commission  
523 E. Capitol Ave  
Pierre, SD 57501

WILES & RYLANCE



\_\_\_\_\_  
John C. Wiles  
Attorney for Defendant

To: SD GF&P Commission

Fr: Steven Rounds, Oahe Marina and Resort

Date: July 20, 2017

Dear Commissioners,

I am requesting to have the area From the Hi-Way 34-14 bridge north to the Oahe Dam open for Spearfishing game fish (Walleye) from August 18 (8:00 am) to August 20 (8:00 pm). This is the same request that was approved last year by the Game Fish and Parks Commission. We would like to hold a spearfishing tourney on Saturday August 19, from 8:00 a.m. to 4:00 p.m. Currently this area is closed to spearing game fish.

Thank you for your consideration in this matter.

Steven Rounds

Oahe Marina and Resort