

**STATE**

# Osage St. dam - a peril for swimmers, boaters

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The exact number of victims is unknown. Too many years have passed and no one thought to keep an official count of the lives claimed at the dangerous Osage Street dam on the Walnut River,

On June 17, 1964, Eddy Baker, 14, a ninth grader at Augusta Junior High, drowned when he was wading in the water and tried crossing the dam when he slipped and was caught in the under current. Despite signs posted in the area warning of the

On May 13, 1978, Wayne Wohrley, 25, of Wichita, drowned and another man was pulled to safety after a canoe the two were riding in went over the dam.

Due to the heroic efforts of Augusta Department of Safety officers, Dylan Certain, 14, was rescued from the churning waters at the dam site on May 23, 2007.

The most recent tragedy was on May 19 when the body of Dustin Tolbert, 19, of Augusta, was recovered from the river after his kayak went over the dam.

The 13-foot tall dam was built in 1929 as part of the city water plant. (Upstream approximately 200-300 yards from the Osage St. dam is another dam built later by the Mobil Oil Refinery. It also concerns authorities.)

The old waterworks were razed in 1965 and in 1972 the old steel bridge spanning the Walnut at the Osage location was deemed unsafe and closed to traffic.

### **Dangerous situation**

Rivers can be treacherous, not only because of the tremendous power they possess, through the movement of flowing water, but because of structures they flow over, around and through. In this case, the old dam creates a very dangerous situation.

Water flowing over the dam and pooling creates a hydraulic, which is a backwash that traps and recirculates anything that floats.

A person caught in the backwash will be carried to the face of the dam, where the water pouring over it will wash him down under to a point downstream called the boil. The boil is that position where here the water from below surfaces and moves either downstream or back toward the dam. A person who is caught struggles to the surface, where the backwash once again carries him to the face of the dam, thus continuing the cycle.

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## **It's private property**

Many people assume they are entitled to river access, but the rivers and dams are on private property.

They are breaking the law.

There are only three public rivers in Kansas -- the Arkansas, the Kansas and the Missouri Rivers. All other rivers are on privately owned land. This is different from many other states.

In 1990 the State Supreme Court determined that landowners own the land to the midpoint of the stream and that they also control the use of that water. Essentially, this means if you are floating, swimming, boating, etc. on any river other than the three public rivers, you are trespassing unless you have permission from all the adjoining landowners along the way.

Tim Chappell, owner of the Osage St. dam frequently sees people in the area,

“It's private property. There is a gate with signs and there are signs posted on the river banks.”Chappell reports. “They need to know that if the river is running at all, they won't have much of a chance down there.”

Chappell added that part of the problem is that those trespassing are launching their boats and jet skis upstream out of sight of landowners.

## **Removal would be costly**

Darryl Lutz, Butler County Public Works Director, has been actively providing information to the landowners and researching the situation,

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Lutz explained that it would be a huge cost for landowners to take down the dams and in addition to cost, there are other things to consider, as well. He advised that there is probably around 8 feet of silt built up behind each of the dams and removal would definitely have an environmental impact and debris from the removal would also create a problem.

He advised, “In this situation the County Public Works Department can only act as a public service data and information entity. I’ve spoken to the landowner of the Osage St. dam concerning some options. He may decide to install more signage -- maybe warning signs posted upstream, as well,” he added, “ People just need to know they are trespassing in a dangerous place.”