

## CHAPTER 114

## SOUTH DAKOTA-MINNESOTA BOUNDARY WATERS

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**114.01 COMMISSION CREATED.** There is hereby created an interstate commission to be known as the South Dakota-Minnesota Boundary Waters Commission, which shall consist of the director of the game and fish commission of South Dakota and the commissioner of natural resources of Minnesota, or their legal successors, and an engineer appointed by the mutual consent of the governors of South Dakota and Minnesota for a period of four years.

[1939 c 60 s 1; 1969 c 1129 art 3 s 1] (53-81)

**114.02 POWERS AND DUTIES.** The South Dakota-Minnesota Boundary Waters Commission shall have power and authority:

(1) To investigate and determine the most desirable and beneficial levels of boundary waters artificially controlled and to prescribe a plan for controlling and regulating said levels;

(2) To prescribe and promulgate rules and procedure for the conduct of its investigations, surveys, and hearings;

(3) To make such orders as may be necessary to further the purposes of this chapter; and

(4) To hold hearings and take such evidence as may be presented, either after complaint or upon its own initiative, as to the desirability of any water level and plan of regulation, and to make such orders concerning the same as in its opinion are for the best interests of the public.

[1939 c. 60 s. 2] (53-82)

**114.03 HEARINGS; PUBLICATIONS.** Hearings shall be held at such time and place as may be designated by the commission, in either state, in any county affected by the subject matter. At least two weeks' published notice of the hearings shall be given by publication of the notice in a legal newspaper in each county bordering on the boundary waters which may be affected by the subject matter of the hearing. All final orders of the commission shall be published once each week for two consecutive weeks in a legal newspaper in each county bordering on the boundary waters which may be affected thereby. The printer's affidavit of publication of all notices and orders shall be filed with the commission.

[1939 c 60 s 3; 1959 c 661 s 1] (53-83)

**114.04 ORGANIZATION.** The South Dakota-Minnesota Boundary Waters Commission shall meet and organize within 30 days after the effective date of the compact.

[1939 c. 60 s. 4] (53-84)

**114.05 NOT TO INCUR OBLIGATIONS.** The South Dakota-Minnesota Boundary Waters Commission shall not incur any obligation for expenses except after an adequate legislative appropriation.

[1939 c. 60 s. 5] (53-85)

**114.06 INJUNCTIONS.** The South Dakota-Minnesota Boundary Waters Commission may upon verified petition apply to the district court or the circuit court in either state, as the case may be, in any county affected by the subject matter, for an injunction restraining the violation of any order, notice, rule or regulation made by it pursuant to the provisions of this chapter. The attorneys general of both states shall act as legal advisors to the commission.

[1939 c. 60 s. 6] (53-86)

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## 114.07 SOUTH DAKOTA-MINNESOTA BOUNDARY WATERS

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**114.07 WHEN EFFECTIVE.** Sections 114.01 to 114.08 shall become effective immediately after the passage of an act in substantial conformance herewith by the legislature of South Dakota.

[1939 c. 60 s. 7] (53-87)

**114.08 APPEALS.** Any party aggrieved by any order or any determination of the South Dakota-Minnesota Boundary Waters Commission establishing or regulating water levels, as provided for in sections 114.01 to 114.07, may appeal therefrom to the district court or to the circuit court, as the case may be, of any county in either state in which the subject matter of the order or the determination is wholly or partially located, or to the district court of the county in either state where the capitol thereof is located. Notice of appeal must be served upon the commission or any member thereof within 30 days from the last date of publication of the order appealed from. Appeals may likewise be taken from the judgments of the district court to the supreme court of its respective states.

[1939 c. 60 s. 8] (53-88)

**114.09** [Repealed, 1971 c 175 s 1]

**114.10** [Repealed, 1971 c 175 s 1]

**114.11** [Repealed, 1971 c 175 s 1]

**114.12 BIG STONE LAKE, SEASONAL WATER LEVEL.** It is hereby determined that the most desirable and beneficial level for the waters of Big Stone Lake from May 1 to October 1 is elevation 967, project datum, and the South Dakota-Minnesota Boundary Waters Commission, the director of game and fish of South Dakota and the commissioner of natural resources of Minnesota shall maintain and operate the Big Stone control dam in conformance herewith.

Stop logs shall be kept in place and maintained in the outlet dam of Big Stone Lake at all times when the water elevation of said lake is 967, or less, project datum, and during such time the outflow from the outlet dam shall be regulated so as not to exceed 100 cubic feet per second (c. f. s.).

Laws 1963, Chapter 648 shall become effective immediately after the passage of an act in substantial conformance herewith by the legislature of South Dakota.

[Ex1959 c 25 s 1; 1963 c 648 s 1; 1969 c 1129 art 3 s 1]

NOTE: See Section 110.46.