

## CHAPTER 114

## SOUTH DAKOTA-MINNESOTA BOUNDARY WATERS

114.12 Big Stone Lake, seasonal water level.

114.13 South Dakota-Minnesota boundary waters commission.

- 114.01 [Repealed, 1976 c 149 s 63]
- 114.02 [Repealed, 1976 c 149 s 63]
- 114.03 [Repealed, 1976 c 149 s 63]
- 114.04 [Repealed, 1976 c 149 s 63]
- 114.05 [Repealed, 1976 c 149 s 63]
- 114.06 [Repealed, 1976 c 149 s 63]
- 114.07 [Repealed, 1976 c 149 s 63]
- 114.08 [Repealed, 1976 c 149 s 63]
- 114.09 [Repealed, 1971 c 175 s 1]
- 114.10 [Repealed, 1971 c 175 s 1]
- 114.11 [Repealed, 1971 c 175 s 1]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 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.).

**History:** *Ex1959 c 25 s 1; 1963 c 648 s 1; 1969 c 1129 art 3 s 1; 1976 c 149 s 19*

**NOTE:** See section 110.46.

**114.13 SOUTH DAKOTA-MINNESOTA BOUNDARY WATERS COMMISSION.**

Subdivision 1. There is created an interstate commission to be known as the South Dakota-Minnesota boundary waters commission. The members of the commission shall be the secretaries of the department of water and natural resources and the department of game, fish and parks of South Dakota and the commissioner of natural resources and the commissioner of the pollution control agency of Minnesota. The fifth member shall be a qualified engineer appointed for a four-year term by the mutual consent of the governors of Minnesota and South Dakota. The 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 water levels;
- (2) To hold hearings and take 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 issue orders concerning the same which in its opinion are for the best interests of the public;
- (3) To plan, propose, coordinate, and hold hearings on lake protection and rehabilitation projects for boundary waters; and
- (4) To accept and distribute grants from any source for the purposes set forth in this section.

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**Subd. 2. Hearings; publications.** Hearings shall be held at such time and place as may be designated by the commission 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. The printer's affidavit of publication of all notices and orders shall be filed with the commission. Hearings held pursuant to this section shall not be subject to the requirements of chapter 14. The commission shall seek the advice of local units of government and encourage them to voluntarily implement projects and to enter into agreements with one another for that purpose. The commission itself has no authority to implement lake protection or rehabilitation projects.

**Subd. 2a. Advisory committee.** The commission shall establish one local advisory committee for all commission activities. A majority of the members of the committee shall be elected officials of local governmental units, including tribal governments, within the boundary waters watershed with an equal number of representatives from each state. The advisory committee shall be consulted prior to any activity conducted by the commission.

**Subd. 3.** [Repealed, 1980 c 476 s 7]

**Subd. 4. Appeals.** Any party aggrieved by any order or any determination of the commission pursuant to this section may appeal 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 its capitol is located. Notice of appeal must be served upon the commission 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 or the circuit court as the case may be to the appellate courts of their respective states as in other civil cases.

**History:** 1976 c 149 s 20; 1980 c 424 s 130; 1980 c 476 s 3-6; 1983 c 247 s 49; 1987 c 186 s 15