

CHAPTER 114

SOUTH DAKOTA-MINNESOTA BOUNDARY WATERS

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| <p>Sec.<br/>114.12</p> | <p>Big Stone Lake, seasonal water level.</p> | <p>Sec.<br/>114.13</p>        | <p>South Dakota-Minnesota Boundary Waters.</p> |
|                        | 114.01                                       | [ Repealed, 1976 c 149 s 63 ] |  |
|                        | 114.02                                       | [ Repealed, 1976 c 149 s 63 ] |  |
|                        | 114.03                                       | [ Repealed, 1976 c 149 s 63 ] |  |
|                        | 114.04                                       | [ Repealed, 1976 c 149 s 63 ] |  |
|                        | 114.05                                       | [ Repealed, 1976 c 149 s 63 ] |  |
|                        | 114.06                                       | [ Repealed, 1976 c 149 s 63 ] |  |
|                        | 114.07                                       | [ Repealed, 1976 c 149 s 63 ] |  |
|                        | 114.08                                       | [ Repealed, 1976 c 149 s 63 ] |  |
|                        | 114.09                                       | [ Repealed, 1971 c 175 s 1 ]  |  |
|                        | 114.10                                       | [ Repealed, 1971 c 175 s 1 ]  |  |
|                        | 114.11                                       | [ Repealed, 1971 c 175 s 1 ]  |  |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.).

[ 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.** Subdivision 1. **Powers.** The commissioner of natural resources shall cooperate with the director of the game and fish commission of South Dakota with regard to the South Dakota-Minnesota boundary waters. The commissioner 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 prescribe and promulgate rules for the conduct of investigations, surveys, and hearings;
- (3) To hold hearings and take evidence as may be presented, either after complaint or upon his own initiative, as to the desirability of any water level and plan of regulation, and to issue orders concerning the same which in his opinion are for the best interests of the public.

Subd. 2. **Hearings; publications.** Hearings shall be held at such time and place as may be designated by the commissioner 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 commissioner 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 commissioner.

Subd. 3. **Arbitration.** If the commissioner of natural resources and the South Dakota director of the game and fish commission fail to agree on any matter which affects interests of both states, the matter shall be arbitrated by an engineer knowl-

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edgeable on the issues under consideration and chosen by the mutual consent of the governors of South Dakota and Minnesota.

Subd. 4. **Appeals.** Any party aggrieved by any order or any determination of the commissioner establishing or regulating water levels, as provided for in 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 the capitol thereof is located. Notice of appeal must be served upon the commissioner 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.

[ 1976 c 149 s 20 ]