

41:05:02:68. Missouri River refuges. Except as otherwise expressly provided herein, the Missouri River refuges described in subdivisions (1) to (12), inclusive, and (14) and (15), of this section are closed to all waterfowl hunting from the opening day of the earliest waterfowl season through the last day of the Canada goose season and are open to duck hunting after the last day of the Canada goose season. The Missouri River refuges described in subdivision (13) and subdivisions (16) to (22), inclusive, are closed to waterfowl hunting during all of the waterfowl seasons. The refuges, including all islands and bars within the refuges, are described as follows:

(1) The Blue Blanket State Waterfowl Refuge includes an area on Lake Oahe enclosed by a line beginning at the water's edge on the west line of section 2, township 123 north, range 79 west of the fifth principal meridian, Walworth County; then southeasterly along the water's edge to the east-west one-half mile line of section 19, township 123 north, range 78 west, Walworth County; then westerly across the reservoir to the water's edge on the south section line of section 6, township 17 north, range 31 east of the Black Hills meridian, Dewey County; then northwesterly along the water's edge to the north-south one-half mile line of section 25, township 18 north, range 30 east, Corson County; then northeasterly across the reservoir to the point of beginning and includes an area west of Blue Blanket Creek below the high-water contour line located in the southwest quarter of the southwest quarter of section 6 and the northwest quarter of the northwest quarter of section 7, both in township 123 north, range 78 west of the fifth principal meridian, and in the south one-half of section 1 and the southeast quarter of the southeast quarter of section 2, both in township 123 north, range 79 west;

(2) The Swan Creek State Waterfowl Refuge comprises an area on Lake Oahe enclosed by a line beginning at the water's edge of the north section line of section 5, township 121 north, range 78 west of the fifth principal meridian, Walworth County; then

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southerly along the water's edge, including the Swan Creek embayment, to the north section line of section 17, township 121 north, range 78 west, Walworth County; then westerly across the reservoir to the center of the reservoir; then northerly along the center of the reservoir to a point straight west of the north section line of section 5, township 121 north, range 78 west of the fifth principal meridian, Walworth County; then easterly along this extension to the point of beginning;

(3) The Latin Draw State Waterfowl Refuge comprises an area on Lake Oahe enclosed by a line beginning at the water's edge on the north line of section 5, township 119 north, range 78 west of the fifth principal meridian, Potter County; then east along the section line to the Corps of Engineers take line; then southerly along the Corps of Engineers take line to the south section line of section 18, township 119 north, range 78 west, Potter County; then northwesterly to the center of the reservoir; then upstream along the center of the reservoir to the north line of section 5, township 119 north, range 78 west; then easterly to the point of beginning;

(4) The Whitlock's Bay State Waterfowl Refuge comprises an area of Corps of Engineers lands and waters, and East and West Whitlock's Recreation Areas, on Lake Oahe enclosed by a line beginning at the junction of U.S. Highway 212 and the Corps of Engineers take line in section 30, township 118 north, range 78 west of the fifth principal meridian, Potter County; then upstream along the Corps of Engineers take line to the upstream boundary of the West Whitlock's Recreation Area; then west to the center of the reservoir; then downstream along the center of the reservoir to the U.S. Highway 212 bridge; then southerly along U.S. Highway 212 to the point of beginning;

(5) The Sutton Bottom State Waterfowl Refuge comprises an area on Lake Oahe enclosed by a line beginning at the take line and the east section line of section 27, township 118 north, range 79 west, Potter County; then west and south along the take

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line to the north/south one-half mile line of section 32, township 118 north, range 79 west, Potter County; then northwest to the center of the reservoir; then upstream along the center of the reservoir to a point straight north of the east line of section 22, township 118 north, range 79 west; then south to the point of beginning;

(6) The Sutton State Waterfowl Refuge comprises an area on Lake Oahe enclosed by a line beginning at the water's edge on the west line of section 25, township 116 north, range 80 west of the fifth principal meridian, Sully County; then north along the section line to the center of the reservoir; then northeasterly along the center of the reservoir to a point straight west of the north section line of section 17, township 116 north, range 79 west, Sully County; then east across the reservoir to the water's edge and the north section line of section 17, township 116 north, range 79 west; then southwesterly along the water's edge to the point of beginning;

(7) The Baker's Gulch State Waterfowl Refuge comprises an area on Lake Oahe enclosed by a line beginning at the northeast corner of section 25, township 115 north, range 81 west of the fifth principal meridian, Sully County, on the Corps of Engineers take line; then northerly to the center of the reservoir; then westerly along the center of the reservoir to a point straight north of the west section line of section 26, township 115 north, range 81 west; then south to the Corps of Engineers take line in the southwest quarter of section 26, township 115 north, range 81 west; then easterly along the take line to the point of beginning;

(8) The Mail Shack Creek State Waterfowl Refuge comprises an area on Lake Oahe enclosed by a line beginning at the Corps of Engineers take line in the southeast corner of section 16, township 114 north, range 81 west of the fifth principal meridian, Sully County; then southerly along the take line to the south boundary of section 32, township 114 north, range 81 west, Sully County; then west to the center of the reservoir;

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then northerly along the center of the reservoir to a point straight west of the south section line of section 16, township 114 north, range 81 west, Sully county; then east to the point of beginning except for a designated and marked controlled waterfowl hunting area along the outer perimeter of the Corps of Engineers take land in the southeast portion of the area;

~~(9) The Dry Creek State Waterfowl Refuge comprises an area on Lake Oahe enclosed by a line beginning at the Corps of Engineers take line on the west section line of section 23, township 113 north, range 81 west, Sully County; then northeasterly along the take line to the north-south one-half mile line of section 24, township 113 north, range 81 west, Sully County; then south along the one-half mile line to the center of the reservoir; then upstream along the center of the reservoir to a point straight south of the west section line of section 23, township 113 north, range 81 west, Sully County; then north along the section line to the point of beginning;~~

~~(10)~~ (9) The Okobojo Creek State Waterfowl Refuge comprises all land and waters within the Corps of Engineers take line in sections 33 and 34, township 114 north, range 80 west of the fifth principal meridian, and sections 3, 4, 9, 10, 16, 17, 18, township 113 north, range 80 west, Sully County;

~~(11)~~ (10) The Spring Creek State Waterfowl Refuge comprises an area on Lake Oahe enclosed by a line beginning at the Corps of Engineers take line on the south section line of section 22, township 112 north, range 81 west of the fifth principal meridian, Hughes County; then northeasterly along the take line to the south section line of section 5, township 112 north, range 80 west; then north along the take line one-quarter mile; then north approximately four-tenths of one mile to the water's edge on the south side of the Spring Creek embayment; then southeasterly and easterly along the water's edge to the east section line of section 5, township 112 north, range 80 west; then

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north along the section line to the center of the Spring Creek embayment; then westerly along the center of Spring Creek embayment to the east section line of section 6, township 112 north, range 80 west; then west to the center of the reservoir, then southwesterly along the center of the reservoir to a point straight west of the south section line of section 22, township 112 north, range 81 west; then straight east along the section line to the point of beginning. However, a person may hunt waterfowl from a blind or pit within the refuge boundary if such blind or pit is designated and posted open to hunting by the department;

~~(12)~~ (11) The Peoria Flats State Waterfowl Refuge comprises all water within the Corps of Engineers take line in sections 26, 27, 34, and 35, township 112 north, range 81 west of the fifth principal meridian, Hughes County;

~~(13)~~ (12) The Oahe Dam State Waterfowl Refuge comprises an area within 1,500 feet upstream and 3,000 feet downstream from the center of the top of the Oahe Dam grade, bounded on the east by S.D. Highway 1804 and bounded on the west by S.D. Highway 1806 and an area within the water's edge from Oahe Dam to the downstream point of LaFramboise Island. The wing dike (channel block 6) and causeway located in section 9, township 5 north, range 31 east of the Black Hills meridian in Stanley County, commonly known as Echo Point, are closed to waterfowl hunting;

~~(14)~~ (13) The DeGrey State Waterfowl Refuge comprises an area on Lake Sharpe enclosed by a line beginning at the water's edge at the west section line of section 3, township 109 north, range 76 west of the fifth principal meridian, Hughes County; then southerly across the Big Bend reservoir on the west section line of section 10, township 109 north, range 76 west, Stanley County; then downstream along the water's edge to the south section line of section 3, township 108 north, range 76 west, then easterly to the center of the reservoir, then south along the center of the reservoir to a point of junction

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with the south section line of section 12, township 108 north, range 76 west in Hughes County; then east along the section line to the water's edge at the south section line of section 12, township 108 north, range 76 west; then upstream along the water's edge to the north section line of section 12, township 108 north, range 76 west; then east along the section line to the Corps of Engineers take line; then north along the Corps of Engineers take line to the East DeGrey area access road; then southerly along the access road to the water's edge; then upstream along the water's edge to the point of beginning;

~~(15)~~ (14) The Joe Creek State Waterfowl Refuge comprises an area on Lake Sharpe within the water's edge bounded on the upstream side by a north-south line extending across the reservoir and from the east section line of section 20, township 108 north, range 75 west of the fifth principal meridian in Hughes County to the east section line of section 30, township 108 north, range 75 west in Lyman County, and bounded on the downstream side by a north-south line across the reservoir from the east section line of section 24, township 108 north, range 75 west in Hughes County to the east section line of section 26, township 108 north, range 75 west in Lyman County;

~~(16)~~ (15) The Big Bend Dam State Waterfowl Refuge comprises an area enclosed by a line beginning at the junction of the Corps of Engineers take line in section 15, township 107 north, range 72 west of the fifth principal meridian, and a point 1,500 feet perpendicular to and west of State Highway 47; then southwesterly 1,500 feet west of and parallel to State Highway 47 to the Buffalo-Lyman county line, then downstream 500 feet along the Buffalo-Lyman county line to a point 1,000 feet upstream from State Highway 47, then southwesterly 1,000 feet west of and parallel to State Highway 47 to a point in the water due west of the southern most part of the Big Bend powerhouse; then east across the Big Bend Dam to the water's edge of Lake Francis Case on the south side of

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the right tailrace; then downstream along the water's edge to the township line between range 71 west of the fifth principal meridian and range 72 west; then north across Lake Francis Case to the Corps of Engineers take line in the northeast corner of section 25, township 107 north, range 72 west; then westerly along the Corps of Engineers take line to the point of beginning;

~~(17)~~ (16) The Chamberlain North State Waterfowl Refuge comprises an area on Lake Francis Case enclosed by a line beginning at the junction of the south boundary of the Lower Brule Indian Reservation and the Corps of Engineers take line in section 8, township 105 north, range 71 west of the fifth principal meridian, Lyman County; then east along the reservation line to the water's edge; then northeasterly along a straight line across the reservoir to the water's edge on the Buffalo-Brule County line; then east along the county line to the Corps of Engineers take line; then southerly along the Corps of Engineers take line to the south boundary of section 24, township 105 north, range 71 west, Brule County; then west along the section line to the water's edge; then west across the reservoir to the water's edge at the south boundary of Section 22, township 105 north, range 71 west, Lyman County; then west to the Corps of Engineers take line; then northerly along the Corps of Engineers take line to the point of beginning;

~~(18)~~ (17) The Chamberlain State Waterfowl Refuge comprises an area on Lake Francis Case enclosed by a line beginning at the junction of the former Corps of Engineers take line and the south boundary of section 4, township 104 north, range 71 west of the fifth principal meridian, Lyman County; then east along the section line to the water's edge; then east across the reservoir to the water's edge at the south boundary of section 3, township 104 north, range 71 west, Brule county; then east along the section line to the former Corps of Engineers take line; then southerly along the former Corps of Engineers take line to the south boundary of section 20, township 104 north, range 71

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west; then west along the section line to the water's edge; then west across the reservoir to the water's edge at the south boundary of section 23, township 104 north, range 72 west; then west along the section line to the former Corps of Engineers take line; then northerly along the former Corps of Engineers take line to the point of beginning;

~~(19)~~ (18) The Whetstone State Waterfowl Refuge comprises an area on Lake Francis Case enclosed by a line beginning at the junction of the Corps of Engineers take line and the north boundary of section 33, township 98 north, range 69 west of the fifth principal meridian, Gregory County; then east along the section line across the reservoir to the Corps of Engineers take line in Charles Mix County; then easterly and southerly along the Corps of Engineers take line to the east boundary of section 36, township 97 north, range 68 west, Charles Mix County; then south along the section line to the water's edge; then southeasterly along a straight line across the reservoir to the junction of the Corps of Engineers take line and south boundary of section 7, township 96 north, range 67 west, Gregory County (formerly Wheeler Road); then westerly along the Corps of Engineers take line to the southwest corner of section 12, township 96 north, range 68 west, Gregory County; then north along the section line to a point 100 yards north of the water's edge; then northwesterly along a line 100 yards parallel to the water's edge and the mouth of the North Scalp Creek embayment to the north boundary of section 10, township 96 north, range 68 west, Gregory County; then west along the section line to the Corps of Engineers take line; then westerly and northerly along the Corps of Engineers take line to the north boundary of section 33, township 97 north, range 68 west, Gregory County; then east along the section line to a point 100 yards east of the water's edge; then northerly along a line 100 yards parallel to the water's edge and the mouth of the Whetstone Creek embayment to the north boundary of section 28, township 97 north, range 68 west, Gregory County; then west along the section line to the Corps of

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Engineers take line; then northerly and westerly along the Corps of Engineers take line to the point of beginning;

~~(20)~~ (19) The White Swan State Waterfowl Refuge comprises an area on Lake Francis Case enclosed by a line beginning at the junction of the Corps of Engineers take line and the west boundary of section 35, township 96 north, range 67 west of the fifth principal meridian, Gregory County; then north along the section line across the reservoir to the northwest corner of section 14, township 96 north, range 67 west, Charles Mix County; then east along the section line to the Corps of Engineers take line; then southerly and easterly along the Corps of Engineers take line to the east boundary of section 33, township 96 north, range 66 west, Charles Mix County; then south along the section line to the water's edge; then southeasterly along a straight line across the reservoir to the water's edge on the east boundary of section 11, township 95 north, range 66 west, Gregory County; then south along the section line to the Corps of Engineers take line; then westerly and northerly along the Corps of Engineers take line to the point of beginning;

~~(21)~~ (20) The Ft. Randall Dam State Waterfowl Refuge comprises an area within 660 feet upstream and downstream from the center of the grade of the Fort Randall Dam; and

~~(22)~~ (21) The Ft. Randall Tailwater State Waterfowl Refuge comprises all land and water from Fort Randall Dam downstream to the Nebraska-South Dakota state line within the water's edge and that portion of Randall Creek Recreation Area lying north and east of a line which follows the Corps of Engineers access road beginning at the intersection of the access road and the top of the dam grade refuge boundary approximately 1,000 feet northeast of the Fort Randall Chapel historical site; then southeasterly along the access road to the southernmost edge of the campground; then southward along a line to

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the junction with the Randall Creek Recreation Area boundary fence corner; then southeasterly and easterly along the fence to the water's edge.

Source: SL 1975, ch 16, § 1; 6 SDR 119, effective June 25, 1980; 7 SDR 99, effective April 26, 1981; 7 SDR 128, effective July 13, 1981; 8 SDR 129, effective April 12, 1982; 8 SDR 170, effective June 20, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 120, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 11 SDR 80, effective December 16, 1984; 11 SDR 156, effective May 27, 1985; 12 SDR 186, effective May 28, 1986; 14 SDR 4, effective July 22, 1987; 14 SDR 114, effective March 9, 1988; 17 SDR 51, effective October 10, 1990; 18 SDR 192, effective May 26, 1992; 25 SDR 193, effective July 19, 1998; 26 SDR 41, effective September 28, 1999; 28 SDR 129, effective March 18, 2002; 29 SDR 29, effective September 8, 2002; 29 SDR 147, effective May 6, 2003; 30 SDR 21, effective August 25, 2003; 32 SDR 69, effective November 9, 2005; 34 SDR 279, effective May 14, 2008; 35 SDR 253, effective May 13, 2009; 36 SDR 170, effective May 11, 2010; 39 SDR 168, effective April 22, 2013.

General Authority: SDCL 41-2-18(6).

Law Implemented: SDCL 41-2-18(6).

Cross-Reference: Waterfowl hunting seasons, ch 41:06:16.