

# The Burger Court Opinion Writing Database

## *South Dakota v. Nebraska*

458 U.S. 276 (1982)

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## SUPREME COURT OF THE UNITED STATES

STATE OF SOUTH DAKOTA, PLAINTIFF *v.* STATE OF  
NEBRASKA, AND ROBERT J. FOLEY AND PHYLLIS K.  
FOLEY, AS JOINT TENANTS AND THEIR SURVIVOR,  
AND HELEN ISAAK, AS EXECUTRIX OF  
THE ESTATE OF OTTO ISAAK,  
DECEASED, INTERVENORS

ON BILL OF COMPLAINT

No. 72, Orig. Decided June 28, 1982

The Report of the Special Master is received and ordered filed.

This matter comes before this Court on Stipulation by each of the parties hereto: the State of South Dakota, by and through its Attorney General, Mark Meierhenry; the State of Nebraska, by and through its Attorney General, Paul L. Douglas; the Intervenors, by and through themselves and their attorney, Everett A. Bogue.

IT IS THE FINDING OF THIS COURT THAT:

1. The parties have concluded that it is in the best interest of each of them to avoid litigation and multiple exercises of sovereignty and jurisdiction, encourage the optimum beneficial use of the river, its facilities and its waters, and remove all causes of controversy between said parties with respect to the location of the boundary between the states and, therefore, to settle and to terminate this dispute by agreement and compromise and submission of the boundary between the State of South Dakota and the State of Nebraska with respect to Rush Island in the future to a Joint State Boundary Commission.

2. In the furtherance of the best interests of each of the parties, it is agreed that that land known as "Elk/Rush Island," subject of this lawsuit, is now, and has been, within the boundary of the State of Nebraska and subject to its jurisdiction.