

No. 357, S.]

[Published April 10, 1907.]

CHAPTER 35.

AN ACT to authorize the city of Eau Claire to increase the height of the Dells dam across the Chippewa river therein, and to authorize said city by the exercise of the right of eminent domain to acquire all such property and rights as may be requisite for accomplishing such purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purposes of dam; authorized height; claims and obstructions. SECTION 1. The city of Eau Claire is hereby authorized and empowered, for the purpose of securing additional water-power to maintain and operate water-works for supplying said city and the inhabitants thereof with water, maintain and operate lighting works for lighting its streets and public buildings and supplying its inhabitants with electric lights and procure power with which to operate rock crushers for crushing rock with which to macadamize its streets and highways and to be utilized for any other proper and legitimate public or municipal purpose, to increase, from time to time, the height of the Dells dam across the Chippewa river in the City of Eau Claire over and above the height of eighteen feet now authorized by law, until the height thereof shall be thirty-two feet above low water mark in said river immediately below the same, and maintain said dam, as so increased in height, provided, however, that all encroachments upon and obstructions in said dam made and continued by flash-boards thereon and the closing of the lock, chutes and slides therein, all of which are in violation of the legislation heretofore authorizing its heights shall first be removed therefrom, and that all claims by any parties to any use of water resulting therefrom be first surrendered or extinguished by judicial decree, and provided further that nothing in this act contained shall be construed as creating any right in or ratifying any claim of, any party directly or indirectly claiming under said city, and that the rights of said city of any nature whatsoever as against any such party shall not be impaired by this act.

Powers granted to Eau Claire. SECTION 2. For the purpose of carrying into effect the powers herein granted to in-

crease the height of said dam to and maintain the same at such increased height as is herein authorized, and of acquiring title to such lands as it may be necessary to take for such purpose, the city of Eau Claire shall have all the powers granted by chapter 231 of the laws of 1876, and subsequent acts amendatory thereof and supplemental thereto, save and excepting the right and authority to issue bonds and shall for any of the purposes of this act have the right of condemnation; including the right of condemnation granted by sections 1777a, 1777b, 1777c, and 1777d of the statutes of 1898.

Safety of life and property; navigation. SECTION 3. That the increased height of the said dam shall be so effected, constructed and maintained as not to endanger the lives or injure the property of persons residing above or below the same, or in the immediate vicinity thereof, and protect and preserve the navigability of said river in full compliance with the provisions of chapter 231 of the laws of 1876, and subsequent acts amendatory thereof and supplemental thereto.

Lease of surplus water power. SECTION 4. In case the increase in the height of said dam hereby authorized to be made shall create any water-power in excess of what may be needed and required for public or municipal purposes by the city of Eau Claire, the common council of said city is hereby authorized and empowered to let, lease and rent such surplus water-power or any part or portion thereof, for periods not exceeding twenty-two years from the date thereof, and determine and collect the rent therefor.

Fishway. SECTION 5. The said dam shall be provided with a sufficient fishway to be approved by the board of commissioners of fisheries, and such fishway shall, at all times, be kept and maintained in good repair, and open for the free passage of fish up and down said river.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1907.