

SECTION 4. There is added to the statutes a new section to read: (Section 681.)

SECTION 5 This act shall take effect and be in force from and after its passage and publication.

Approved July 13, 1907.

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No. 514, S.]

[Published July 16, 1907.]

## CHAPTER 626.

AN ACT to authorize the John Arpin Lumber Company, its successors and assigns, to build and maintain a dam across Chippewa river, Sawyer county, Wisconsin.

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

**Location of dam; purposes; height; passage for logs, etc.; land flowage and condemnation.** SECTION 1. The John Arpin Lumber Company, its successors and assigns, are authorized to build and maintain a dam across Chippewa river in Sawyer county, Wisconsin, at such place as they may select on section ten, township thirty-seven north of range seven west, for the purpose of utilizing the water power created thereby, and for the purpose of improving the navigation of said river; provided that said dam shall not exceed eighteen feet in height above low water mark, and shall be so constructed and maintained as not to obstruct the running of lumber, timber or logs down said river and over said dam. And for the purpose aforesaid the said John Arpin Lumber Company, its successors and assigns, are authorized to overflow and set the water back upon and hold it upon all such lands as shall be necessary for the keeping up and maintaining such dam, and to acquire title to such lands for such purposes by purchase, lease or condemnation; and in case said John Arpin Lumber Company, its successors and assigns, are unable to agree with the owners of such lands so necessary for such purposes, as to purchase, lease or use thereof and the right of flowage, or as to compensation to be made for taking or flooding any

such lands, then the John Arpin Lumber Company, its successors and assigns, may acquire the same by proceedings of condemnation in the manner provided in sections 1777a, 1777b, 1777c and 1777d of the statutes and such amendments thereto as may have been or may be made.

**Fishway.** SECTION 2. The dam shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish.

**Express conditions.** SECTION 3. This act is passed in consideration of and upon the following expressed conditions:

**Time of beginning.** 1. The construction of the dam herein authorized shall be commenced within two years from the date of the passage of this act.

**Operation.** 2. If so built and constructed, it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at any one time.

**Law observance.** 3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied, in violation of any law of this state or the United states.

**Rentals.** 4. In case the owners thereof desire to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owner of such dam and the lessee of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the arbitrators, and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced

to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

**Arbitration of rentals, pain of forfeiture.** SECTION 4. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which such hydraulic power or accumulation of water shall be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by said arbitrators as herein before provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as herein provided, or after submission, to pay the price determined by said arbitrators, shall work a forfeiture of his lease, if any he had, of such power or accumulation or water.

**No corporate powers.** SECTION 5. No corporate powers are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant such powers.

**Amendment and repeal reserved.** SECTION 6. The power to alter, amend or repeal this act is reserved.

**Conditioned on acceptance.** SECTION 7. This act shall take effect and be in force from and after its passage and publication and the filing in the office of the secretary of state by the person to whom the franchise is granted, of a written acceptance of the conditions herein contained.

Approved July 13, 1907.