

No. 253, S.]

[Published June 24, 1921.]

**CHAPTER 399.**

AN ACT to amend subdivision 1 of section 6 of chapter 640, laws of 1911, and to amend subdivision 1 of section 1 and subdivision 2 of section 4 of said chapter 640, laws of 1911 as amended by chapter 759, laws of 1913, authorizing the Chippewa and Flambeau Improvement Company to construct, acquire, maintain and operate a system of water reservoirs located on the headwaters of the Chippewa and Flambeau rivers and their tributaries.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subdivision 1 of section 1 and subdivision 2 of section 4 of chapter 640, laws of 1911 as amended by chapter 759, laws of 1913 are amended to read: (Chapter 640, laws of 1911, as amended by chapter 759, laws of 1913) (Section 1) 1. Subject to the supervision and control hereinafter provided for, authority is hereby given unto the Chippewa and Flambeau Improvement Company, in order to promote the purposes hereinafter set forth, to create, construct, acquire *by purchase, lease or otherwise*, maintain and operate a system of water reservoirs located in or along the Court Oreilles river and its direct or indirect tributaries above the north line of town thirty-eight north, the east and west forks of the Chippewa river and their direct or indirect tributaries above a point located one mile below the junction of such east and west forks, the Thornapple river and its direct or indirect tributaries above its mouth, Butternut creek and its direct or indirect tributaries above its mouth, the north fork of the Flambeau river and its direct or indirect tributaries above \* \* \* a point located one mile below the junction of the Manitowish and Turtle rivers, \* \* \* the south fork of the Flambeau river and its direct or indirect tributaries, including the Elk river, above the junction of said south fork of the Flambeau river and said Elk river, in this state, and for that purpose said grantee may construct, acquire, maintain, and operate all such dams, booms, sluiceways, locks, and other structures in, along, or across any and all of said portions of said rivers and their said tributaries as may be necessary or reasonably convenient to accomplish the purposes of this grant, and may clean out, straighten, deepen or otherwise improve any of said

rivers and tributaries in order to improve the navigation thereof and to prevent injury to property bordering on said waters.

(Section 4) 2. When said Chippewa and Flambeau Improvement Company shall have created or acquired and maintained in successful operation water reservoirs in accordance with this act, of a capacity sufficient to store up in times of abundance, and retain and discharge in times of scarcity, one billion five hundred millions cubic feet of water that would not be so stored up and retained by nature, it shall, subject to the supervision and control hereinafter provided for, be entitled to charge, collect and receive reasonable and uniform tolls from the owner or owners, or lessee or lessees of each and every improved and operated water power located upon the said Chippewa or Flambeau rivers or any tributary of either of said rivers below any of said reservoirs, the actual use and operation of which is benefited thereby, but not exceeding in the aggregate of all its revenues sufficient to pay all reasonable costs of operation and maintenance *including rent paid for leased properties* and a net annual return \* \* \* on the cash actually paid in on the stock subscriptions to the grantee and on the par value of all negotiable bonds issued by the grantee. *Such net annual return shall be reasonable and just and shall be determined by the railroad commission of Wisconsin in the manner that rates are determined for public utilities under the provisions of sections 1797m—1 to 1797m—109, inclusive, of the statutes.*

SECTION 2. Subdivision (1) of section 6 of chapter 640, laws of 1911 is amended to read: (Section 6) 1. No dam \* \* \*, or lands or flowage rights necessary for its maintenance and operation, \* \* \* shall be purchased, \* \* \* by said Chippewa and Flambeau Improvement Company until the railroad commission of Wisconsin shall estimate and appraise the value thereof; and the appraised value so established shall be the true value thereof; and, in purchasing or acquiring such dam, lands, and flowage rights, the purchase price thereof shall in no case exceed the appraised value so placed upon said property by said railroad commission. *No rental of any leased property shall be paid until the lease providing for the payment of such rental shall have been approved by said railroad commission.* No dam or reservoir not now in existence or heretofore authorized shall be constructed or created until the plans therefor, showing the form and location of the dam and the description of the lands to be overflowed

thereby, shall have been submitted to the railroad commission of Wisconsin and approved thereby, after first having estimated and appraised the value of all lands required for the purposes of such dam and of lands to be overflowed by means thereof; and said railroad commission may require the state forester to assist it in ascertaining and determining the value of any such lands. When the right to overflow any such lands, which said railroad commission may deem necessary to overflow in carrying out the purposes of this act, cannot be purchased or procured from the owner or owners thereof for the appraised value thereof as determined by said railroad commission, said Chippewa and Flambeau Improvement Company shall institute proceedings to procure such right by the exercise of the power of eminent domain under and in pursuance of \* \* \* *the provisions of chapter 32* of the statutes. Such railroad commission shall cause the height to which the water may be raised by any dam to be indicated by permanent monuments and bench marks, and shall have supervision and control of the time and extent of the drawing of water from the reservoirs, and the power to compel the maintenance of all reservoirs established. They shall have power to employ at the expense of said improvement company hydraulic engineers and other persons to assist them in obtaining information necessary to a proper discharge of their duties, such expense to be treated as a part of the cost of construction or maintenance and operation of the reservoir system.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 267, S.]

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### CHAPTER 400.

AN ACT to repeal section 2024—67, to create a new section to be numbered section 2024—67, and to amend section 2024—68, of the statutes, relating to mutual savings banks.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 2024—67 of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: Section 2024—67. 1. The aggregate amount of deposits to the credit of any individual or any copartnership, corporation or society at any time, shall not exceed five thousand