

CHAPTER 165.

OF THE DRAINAGE OF KEOKUK LAKE, ODESA LAKE AND MUSCATINE SLOUGH.

S. F. 307.

AN ACT legalizing the action of the executive council heretofore taken in reference to the drainage, appraisalment and sale of the Muscatine slough, Keokuk Lake and Odesa Lake in Muscatine and Louisa counties, and providing for the completion of the sale of the lands therein.

WHEREAS, on June 12th, 1914, a petition was presented to the executive council of the state of Iowa for the establishment of a drainage district under chapter two-b title fourteen (2-b title XIV), supplement to the code, 1913, and;

WHEREAS, the state executive council appointed Jacob A. Harmon, engineer and ordered him to proceed with the survey of said Muscatine slough and lakes, and;

WHEREAS, on the 24th day of July 1914, the said Jacob A. Harmon, engineer, reported the survey of said Muscatine slough and lakes and the said report was placed on file with the said executive council, and;

WHEREAS, September 15th, 1914, was set for the date of hearing said petition, and;

WHEREAS, on said date the testimony was presented, and;

WHEREAS after a full hearing on November 18th, 1914, the said executive council authorized said drainage as follows:

"In the matter of the application for authority to drain the bed of what is known as Keokuk Lake, Odesa Lake and Muscatine slough, situated in the counties of Muscatine and Louisa, having been heretofore submitted, the council took up the matter and after examining the records found that the several steps required to be taken under the statute, to-wit, the appointing of an engineer, the reporting of the engineer to the council, filing of maps, giving of notice by publication in at least one newspaper in each county for a period of four weeks, the last issue of which is at least ten days prior to the date of the hearing, the holding of the hearing at which all interested persons were invited to be present, the submitting of such testimony as interested persons desire to submit, the applicants and remonstrants having argued the case and submitted such authorities as they desire to submit, and all other things having been done required by law, the executive council at this time finds that the said Odesa Lake, Keokuk Lake and Muscatine slough are detrimental to the public health and general welfare of the citizens of the counties and that it is not wise to maintain said lakes or lake beds and slough as permanent bodies of water, and that the interests of the state will be subserved by draining or improving the same, and finds that said lake beds are not permanent bodies of water but subject to rise and fall with different stages of water in the Mississippi River to a certain extent;

WHEREFORE, it is ordered that the prayer of the applicants be granted and authority is granted for the drainage of said slough and lake beds and for the disposition of the lands contained within the beds as provided by law when authorized by the executive council after appraisalment."

AND WHEREAS, on January 15th, 1915, the executive council appointed appraisers, and;

WHEREAS, on March 3rd, 1915, the report of the appraisers was made and;

WHEREAS, an expense was made of twenty-three hundred fifty and 50/100 (\$2350.50) dollars at the time of the passing of the bill, to-wit, section 2900-b, supplemental supplement to the code, 1915, and;

WHEREAS, by said repeal it was provided that the repeal should not apply to any lake or lake bed which under the authority of the executive council had been already drained or in the drainage of which the sum of five hundred (\$500) dollars had been in good faith expended and;

WHEREAS, the said lakes have been fully drained and the assessment therefor has been levied as provided by law on the said lands, and;

WHEREAS, the highway commission, to which was referred the question of lake and lake beds has reported that said Muscatine slough, Odesa Lake and Keokuk Lake in Muscatine and Louisa counties are not subject to their jurisdiction but are governed by the act of 1904; therefore,

Be it enacted by the General Assembly of the State of Iowa:

1 **Proceedings legalized.** That the acts of the executive council
2 heretofore taken with reference to Muscatine slough, Odesa
3 Lake and Keokuk Lake be and are hereby ratified and the said
4 executive council are hereby directed to proceed as provided in said
5 act as in said chapter two-b title fourteen (2-b title XIV), supple-
6 ment to the code of 1913, to sell said lands, the said sale to be made
7 subject to the drainage tax already levied against said lands and said
8 drainage district or districts.

1 **Publication clause.** This act being deemed of immediate im-
2 portance shall be in force and take effect from and after its publica-
3 tion in the Des Moines Register, a newspaper published in Des Moines,
4 Iowa, and the Muscatine Journal, a newspaper published in Musca-
5 tine, Iowa, without expense to the state.

Approved April 7, A. D. 1917.

I hereby certify that the foregoing act was published in the Muscatine Journal April 13, 1917, and the Des Moines Register April 16, 1917.

W. S. ALLEN, *Secretary of State.*