

2088.

APPROVAL—WATER LEASE, STATE OF OHIO THROUGH DEPARTMENT OF PUBLIC WORKS, WITH THE FIRESTONE TIRE AND RUBBER COMPANY, AKRON, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$288.00, RIGHT TO TAKE FROM LEVEL OF TUSCARAWAS FEEDER BY MEANS OF PIPE OR WEIR, QUANTITY OF WATER AS DESIGNATED.

COLUMBUS, OHIO, March 12, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You recently submitted for my examination and approval a certain water lease, so-called, in and by which The Firestone Tire and Rubber Company of Akron, Ohio, is given the right to take from the level of the Tuscarawas Feeder by means of a pipe or weir, water to the extent of 200,000 gallons per day for the purpose of sprinkling lands owned by said company.

By this lease, which is one for a stated term of five years from May 1, 1938, said company is given the right to take from this feeder water in the daily quantity above stated for a period of one hundred and four days from the first day of May to the first day of November in each of the years during the term of said lease; and for the right and privilege thus granted, The Firestone Tire and Rubber Company agrees to pay to the State an annual rental of \$288.00.

This lease is one executed by you in your official capacity as Superintendent of Public Works under the authority conferred upon you by the provisions of an act which is now Section 14009, General Code. This section provides, among other things, that the rentals fixed by the Superintendent of Public Works for water taken under contracts of sale or lease executed under the authority of this section, shall be subject to the approval of the Governor and the Attorney General.

On the facts presented to me, I am unable to say that the annual rental fixed by you for the water to be taken by the above named company under this lease is not a reasonable rental. In this view and since it further appears that the lease is otherwise in conformity with the provisions of the section of the General Code above referred to, I am approving this lease as to legality and form as is evidenced by

my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2089.

APPROVAL—WATER LEASE, STATE OF OHIO THROUGH DEPARTMENT OF PUBLIC WORKS, FIVE YEARS, ANNUAL RENTAL, \$250.00, WITH ST. MARYS WOOLEN MANUFACTURING COMPANY, ST. MARYS, OHIO, RIGHT TO TAKE WATER FROM HYDRAULIC RACE OF THE MIAMI AND ERIE CANAL, ST. MARYS, AUGLAIZE COUNTY, OHIO, QUANTITY AS DESIGNATED.

COLUMBUS, OHIO, March 12, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a water lease in triplicate in and by the terms of which the St. Marys Woolen Manufacturing Company of St. Marys, Ohio, is given the right to take water from the hydraulic race of the Miami and Erie Canal, located in the city of St. Marys, Auglaize County, Ohio, and to use such water for manufacturing purposes.

By this lease, which is one for a stated term of five years from November 1, 1937, said lessee is given the right to take this water from the Miami and Erie Canal at the point above noted or from the level of the canal between Locks 12 and 13 at such times as water is not available in said race; and in consideration of the payment by said lessee of an annual rental of \$250.00, the lessee is authorized under this lease to take from the canal annually a quantity of water up to 12,500,000 gallons, with the further provision that water taken from the canal in any one year over said amount of 12,500,000 gallons shall be paid for at the rate of one cent per thousand gallons.

This lease is one executed by you under the provisions of Section 14009, General Code, which section provides, among other things, that the rentals fixed by the Superintendent of Public Works for water sold from canals and feeders shall be subject to the approval