

2499.

DISAPPROVAL, LEASE TO THE NEW YORK CENTRAL RAILROAD COMPANY FOR RIGHT OF TAKING WATER FROM LAKE ST. MARYS, CELINA, OHIO.

COLUMBUS, OHIO, November 1, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval a certain lease in triplicate executed by the Conservation Commissioner by which there is leased and granted to the New York Central Railroad Company the right and privilege of taking from the level of Lake St. Marys at Celina, Ohio, 7,000,000 gallons of water annually for a term of ten years, the water so taken to be used for the purpose of generating steam.

In Opinion No. 2476 of this office, directed to Hon. A. T. Connar, Superintendent of Public Works, under date of October 23, 1930, it was held that the Superintendent of Public Works is authorized to make leases for water to be taken from the public lakes and reservoirs whether such leases be pipe permits so-called or otherwise, and that the Conservation Commissioner does not have authority to make leases of this kind. A copy of said Opinion No. 2476 was forwarded to you under date of October 31, 1930, together with Opinion No. 2495, in which it was held that the Conservation Commissioner was without authority to execute a lease for the withdrawal of water from the Portage Lakes in Summit County, Ohio.

It is manifest that the conclusions reached by me in the opinions above referred to are controlling with respect to the lease here under consideration; and I am required to disapprove said lease for the reason that the Conservation Commissioner has no authority to lease the same. Said lease, together with the duplicate and triplicate copies thereof are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2500.

DISAPPROVAL, BONDS OF GEAUGA COUNTY, OHIO—\$4,500.00.

COLUMBUS, OHIO, November 3, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2501.

APPROVAL, BONDS OF GLENMONT RURAL SCHOOL DISTRICT, HOLMES COUNTY, OHIO—\$30,000.00.

COLUMBUS, OHIO, November 3, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.