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Klamath Falls Shoe Store

W. H. Kitto, Paop.

lake to a height of 4141.5 feet within two years and within ten years to the elevation of 4143.3 feet. The real source of the water supply for such appropriation is, therefore, Upper Klamath Lake, the same being taken therefrom at the storage dam across the mouth of such lake.

While the application does not furnish this information, I take it there is no question of its accuracy and that the application is defective in not showing the true source of the water to be appropriated thereunder.

Section 1 of chapter 5, found at page 63, General Laws of Oregon, 1905, reads as follows:

That for the purpose of aiding in the operations of irrigation and reclamation, conducted by the Reclamation Service of the United States, established by the act of Congress, approved June 17, 1902 (32 Stat. 388), known as the Reclamation act, the United States is hereby authorized to lower the water level of Upper Klamath Lake, situate in Klamath County, Oregon, and to lower the water level of, or to drain any and all of the following lakes: Lower or Little Klamath Lake, and Tule or Rhett Lake, situate in Klamath County, Oregon, and Goose Lake, situate in Lake County, Oregon; and to use any part or all of the beds of said lakes for the storage of water in connection with such operations."

It is clear that said statute grants to the United States authority to use the bed of Upper Klamath Lake for the storage of water for its operations of irrigation and reclamation, conducted by the Reclamation Service of the United States. This would preclude the use of said lake for the purpose of storing water by private individuals and corporations, especially without securing authority therefrom from the State of Oregon, and no such authority is requested by the application of said company under consideration, nor granted by the permit issued by you thereon; nor does it seem that such permit could be granted by your office in view of the terms of such grant to the Federal Government.

I would also call attention to section 2 of chapter 228, found at page 401, General Laws of Oregon, 1905, the same being section 5791, Oregon Laws. Said section authorizes the United States to appropriate and utilize waters of this state, by first filing notice of such appropriation in the office of the state engineer. Such section further provides that upon such action being taken, the waters described in such notice and unappropriated at the date of the filing thereof shall not be subject to further appropriation under the laws of this state but shall be deemed to be appropriated by the United States, and that no adverse claims to the use of such water shall be acquired under the laws of this state except as for such amount of said waters described in said notice as may be formally released in writing by an officer of the United States thereunto duly authorized, which release shall be filed in the office of the State Engineer, and further provides the manner and conditions of making such appropriation by the United States.

You inform me that the United States, through its proper officers, has made such appropriation of the waters of Upper Klamath Lake by filing the appropriate notice thereof in your office and that notice of such withdrawal was published by the State Engineer as provided in said section, and no relinquishment of such waters has ever been made. It is clear, therefore, that the waters of Upper Klamath Lake are thereby withdrawn in favor of the Federal government and that no private person or corporation can acquire the right to the use of any thereof except such as may be hereafter specifically released by the Federal Government.

It is, therefore, my opinion that you were not authorized to issue such permit and that you are authorized to cancel the same as having been issued inadvertently, in view of the facts and law relating to the circumstances. I would, therefore, advise that the permit be cancelled.

Papers transmitted to this office by you are herewith returned.

Very respectfully yours,
I. H. VAN WINKLE,
Attorney General.

SUES HERBERT HODGES
Suit was brought against Herbert Hodges by the Hub Tire Shop and Robert Ferguson and Fred Nelson, for the recovery of approximately \$400, it was claimed, on repairs of an automobile. Suit was filed this morning.

THE RESPONSE WAS GREAT!

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Kearns Hopes To Settle Squabble

LOS ANGELES, July 24. (AP)—Hopes of smoothing over the differences which have arisen in a so-called "Split up" between Jack Dempsey, heavyweight champion and his manager, Jack Kearns, were expressed by the latter here today a few hours before the scheduled arrival of the champion from the east. If any reception committee has planned to greet Dempsey upon his arrival at Central station they face a possible disappointment because Kearns did not know whether the champion would ride boldly into the city or leave the train at some suburban station.

Then Kearns said: "Maybe today or tomorrow I shall have a conference with Dempsey and thresh this whole thing out. I believe the difference will be smoothed over all right."

"It looks to me like an ordinary business misunderstanding."

SOFIA, (AP)—Study of the German language will be obligatory in Bulgarian primary and grammar schools during the coming year. This has been announced in a governmental decree by the Bulgarian premier.



Convention Report Given By Delegate

A general report of what took place at the International convention of Rotary at Cleveland, O., was given this noon at the weekly luncheon of the Rotary club, by Dr. H. D. L. Stewart, who attended the convention as a delegate from Klamath Falls. Dr. Stewart returned to Klamath Falls last Monday.

Ed. Vannice read a paper entitled "Self Consciousness," that provoked laughter throughout its reading.

LIVES THREATENED

WASHINGTON, July 24. (AP)—The lives of three American missionaries, representatives of the central American mission at Granada, Nicaragua, have been threatened and their residence has been stoned and the mission bombed.

ANOTHER COPCO PLOT IS NIPPED

(Continued From Page One)

matter for the farmers to have regained possession of it.

The Opinion

The VanWinkle opinion follows:
July 7, 1925

Mr. Rhea Luper,
State Engineer,
Capitol Building.

Dear Sir:

I have for consideration your oral request for an opinion as to whether you were authorized to issue to the California Oregon Power company a permit to appropriate one thousand cubic feet per second of water for power purposes, as specified in its application, filed in your office originally February 24, 1919, returned for correction June 10, 1923, and corrected application filed in your office June 23, 1923, which application was approved by you and permit thereon issued by you June 13, 1925. Said application shows the source of the proposed appropriation of water as Link river and is accompanied by a map showing the diversion dam described in the application located at the head of Link river, the same being the mouth of Upper Klamath Lake, the position and description thereof showing that it is the same dam as that constructed by said company under its contract with the Secretary of the Interior, dated February 24, 1917.

Reliable information is also at hand showing that said power company has been using said dam, so constructed by it, for the diversion of water into its canals leading to its power plant located on Link river, and that such dam is the same identical dam described in said contract. This dam is built across the mouth of Upper Klamath Lake and said contract purports to authorize said company to raise the water level of Upper Klamath Lake to the elevation of 4143.3 feet above sea level and to lower it not lower than 4137 feet above sea level. It requires the said company, upon its election to construct said dam, to construct the same so as to permit the raising of the elevation of the

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