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No.25-5808  
IN THE SUPREME COURT  
OF THE UNITED STATES

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*DAVID C. WHITE* Petitioner  
V.  
Respondents  
*Federal Energy Regulatory Commission (FERC)*  
*Commissioner David Rosner R3*  
*Commissioner Lindsay S. See R4*  
*Commissioner Judy W. Chang R5*

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On Petition for Rehearing of Docket 25-5808 by Rule 44. **Amended**

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**Extraordinary Writ of Prohibition, Mandamus by Rule 20.**

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*Counsel of Record*  
*Solicitor General*  
*United States Department of Justice*  
*950 Pennsylvania Avenue, NW*  
*Washington, DC 20530-0001*  
*SUPREMECTBRIEFS@USDOJ.GOV*  
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## SUMMARY

It will cost roughly \$1.7 billion (with a "b") dollars for the United States to replace the four dams that the Federal Energy Regulatory Commission (FERC) and its licensee, Klamath River Renewal Corp (KRRRC), destroyed by gross incompetence. That includes clean-up of the toxic silt that destroyed all life in the river below the dams. This Rehearing is requested, with all due respect, because failure to grant this Writ allows negligent oversight and other violations of the Clean Water Act by 33 U.S.C. §1251, 22-451 June 28th, 2024 Federal Case Number 22-451 to go unpunished, by Loper Bright Enterprises and many other Constitutional provisions. This Petition for Rehearing by Rule 44 is presented in good faith and not for Delay. Judging from their defunct emails, two FERC Commissioners, Chairman Phillips (R1) and Christie (R2), are no longer with the agency, apparently due to Malfeasance. Petitioner postulates somebody higher up was clearly ram-rodging this project at breakneck speed because Petitioners initial Injunction to Stop Work was denied (Case 1:24-CV-1301-MC) by Federal Court in Medford Oregon, contrary to law by the Court of first instance. And recently Solicitor General, D. John Sauer, filed a Waiver of Right of Respondent (FERC) to Respond on Nov. 03, 2025. This indicates that failure to approve this Writ would perpetuate a deadly threat

1 for human and animal life in the Klamath River Basin. FERC malfeasance  
2  
3 unleashed an environmental catastrophe far worse than the Exxon-Valdez  
4  
5 oil spill of the last century. FERC is accessory after the fact by 18 USC 3  
6  
7 for licensee KRRC, killing 2000 fish and no less than one herd of Elk. This  
8  
9 is also a violation of 16 USCA § 1532, endangered species act, and a  
10  
11 violation of 18 U.S. Code § 41, having no license to kill wildlife. It is likely  
12  
13 these two Commissioners were fired because Respondents violated their  
14  
15 own rules and federal law by not conducting any public hearings in the  
16  
17 affected areas of Klamath Falls, Oregon and Yreka, California.

18  
19 Respondents illegally relied solely on the state Governors who had already  
20  
21 approved giving Klamath River Renewal Corp (KRRC) half a billion dollars  
22  
23 to remove four dams. FERC violated their own rules by ignoring County  
24  
25 votes in Klamath and Yreka County polling where about 80% rejected dam  
26  
27 removal, ignoring 2017 California Water Board testimony, and  
28  
29 2009-2011 Interior Department chemistry testing. These test results appear  
30  
31 In Chapters 2 and 3 of the Report to prove that the silt behind the dams  
32  
33 and now down river is highly contaminated and highly toxic with arsenic  
34  
35 and Chromium 6. Petitioner, in February 2021 confirmed this by setting up  
36  
37 a table at the only super-market in Klamath Falls to hand out 500  
38  
39 leaflets explaining why dam removal was unnecessary; 499 of 500 agreed  
40

1 after being informed.

2  
3 The lower court judges deserve dismissal by 28 U.S. Code § 455 for their  
4  
5 inexcusable failure to prevent these crimes in progress, which is tanta-  
6  
7 mount to Misprision of Felony by the very entities commissioned to  
8  
9 prevent it. Any such breakdown in the legal system is a signal of the  
10  
11 nation's imminent collapse. We dare not ignore it.

12  
13 Only the High Court can correct this tragedy by granting this Writ. As the  
14  
15 Writ ably demonstrates, lower courts who dismiss a case when Defense  
16  
17 abandons its argument by default are guilty of Misprision of Felony by 18  
18  
19 U.S.C. 4. They are informed of an alleged crime, but then fail to investigate  
20  
21 or adjudicate it by due process. How can the Court discipline notorious,  
22  
23 longstanding offenses in the 9<sup>th</sup> Circuit, if it permits itself to engage in a  
24  
25 similar failure. The FERC (Respondents) capitulated, and thus confessed  
26  
27 to the alleged crimes, not only because their legal counsel filed Waiver of  
28  
29 Right of Respondent (FERC) to respond on Nov 03, 2025, but because  
30  
31 they know FERC is guilty of providing a license to remove dams by illegal  
32  
33 cherry-picking data. Respondents listened exclusively to unscientific,  
34  
35 emotional appeals of upstream tribes and completely ignored all other  
36  
37 adverse testimony. The alternatives could have satisfied everybody,  
38  
39 including the tribes. As with U.S Supreme Court docket 25-5660, Petitioner  
40

1 strongly urges the Court not to accept any 9<sup>th</sup> circuit opinion or ruling,  
2  
3 which is issued under illegal administrative law by 22–451 June 28th,  
4  
5 2024 Federal Case number 22–451 in Loper Bright.

6  
7 By this means, 9<sup>th</sup> Circuit Courts ruled falsely that six dockets and six  
8  
9 illegal opinions were frivolous, when they clearly were not under Article  
10  
11 III. Petitioner would not have filed the Appeal, if there was no suspicion  
12  
13 of procedural irregularity. Had FERC provided the necessary oversight,  
14  
15 they would have discovered that PacifiCorp overestimated the cost of  
16  
17 installing fish ladders by a factor of ten – about \$6.2 million each instead of  
18  
19 \$62.5 million. These figures were set to dismiss the dredging option as too  
20  
21 expensive, however, dredging would be around \$125 million total, leading  
22  
23 to dam removal. The dredging and fish ladder install would have cost half  
24  
25 as much as spent on Dam removal. Accomplished the same thing. Kept the  
26  
27 needed 166 GW of clean power and PacifiCorp still making annual profit of  
28  
29 \$37 million.

### 30 31 **GROUND**

#### 32 33 **Vital Strength and Legal Weight Of Default Judgment:**

34  
35 In this Petition for Rehearing by Rule 44, Petitioner states the grounds  
36  
37 briefly and distinctly and are limited to intervening circumstances of  
38  
39 substantial grounds not previously. Petitioner begs the U.S. Supreme Court  
40

Commented [PDW1]:

Commented [PDW2R1]:

Commented [PDW3R1]:

Commented [PDW4R1]:

1 for Rehearing on the merits of 25-5808. This petition is presented in good  
2  
3 faith in the U.S. Supreme Court and not for delay. Respondents are  
4  
5 in default based on the timeline established by Rule 55 when they  
6  
7 were duly served the original Writ in docket 25-5808. Respondent Legal  
8  
9 Counsel filed to capitulate on November 3<sup>rd</sup> when their legal counsel;  
10  
11 Solicitor General D. John Sauer, filed Waiver of Right of Respondent  
12  
13 FERC to Respond. Plaintiff has presented an overwhelming *quantum* of  
14  
15 admissible evidence that justifies the relief requested, in the Writ filed  
16  
17 based on the merits, as demonstrated below.  
18

19 **Vital Conditions For Overturning Of Default Judgment:**  
20

21 Moreover, the conditions for overturning a default judgment by Rule 55  
22 have not been met. Dismissal requires the defaulting party to actively file  
23 a motion to set it aside (FRCP 60).

24 No such motion has been filed by the defaulting party. Respondents have  
25 abandoned their argument by filing to concede, and the Court therefore,  
26 with all due respect, has no authority to deny it under the Constitution. A  
27 volunteered

1 confession is the strongest evidence possible. But again, no  
2 such affidavit was provided in a prompt or timely Manner; instead a  
3 confession was presented.

4 **Vital Procedural Violations:**

5  
6 Reinforcing the FRCP 55 default in Docket 25-5808, FERC formally  
7  
8 capitulated and two FERC commissioners, including the Chairman, were  
9  
10 removed. How can the Court simply ignore and dismiss this confession  
11  
12 and associated FRCP 55 requirements? How is justice served by such a  
13  
14 denial, which results in Misprision of Felony by 18 U.S.C. 4, when the  
15  
16 alleged crimes are confessed, but then ignored with no due process?  
17

18 **Vital Legal Violations:**

19  
20 Under Rule 55 there are only four legitimate reasons for denying a Writ:

- 21  
22 1. Writ formatted wrong.  
23  
24 2. Writ doesn't prove the case.  
25  
26 3. Writ contains erroneous factual findings or the misapplication of a  
27 properly stated rule of law.  
28  
29 4. The petitioner contends not that the lower court interpreted the law  
30 incorrectly, but that the court applied the law wrongly to the facts of  
31 that case, due to its convening as an illegal Administrative Law Court.  
32

33 None of 1-4 are applicable. The Writ is formatted correctly with many core  
34  
35 legal Questions referenced in the Statement of the Case. The



1  
2 Writ presents factual findings of federal laws violated by Respondent's  
3  
4 Licensees. The lower court is clearly biased against Pro Se, dismissing  
5  
6 six well-documented Appeals in the 9th Circuit as frivolous when  
7  
8 The dockets clearly were not. The 9<sup>th</sup> Circuit Justices failed to  
9  
10 adjudicate every one of Plaintiff's cases filed, in spite of being well-  
11  
12 documented with clear and convincing evidence of felonies.

13  
14 In addition, six factors must be present before the U.S. Supreme Court will  
15  
16 review a lower court decision:

- 17  
18 • A substantial federal question must be present. It must be a real  
19 question.
- 20  
21 • The federal question must be crucial to the decision.
- 22  
23 • The losing party must have exhausted all state remedies.
- 24  
25 • a United States Court of Appeals has entered a decision in conflict  
26 with the decision of another United States Court of Appeals on the  
27 same important matter;
- 28  
29 • or has so far departed from the accepted and usual course of judicial  
30 proceedings, or sanctioned such a departure by a lower court, as to  
31 call for an exercise of this Court's supervisory power;
- 32  
33 • a state court or a United States court of appeals has decided an  
34 important question of federal law that has not been, but should be,  
35 settled by this Court, or has decided an important federal question in  
36 a way that conflicts with relevant decisions of this Court.

37  
38 [https://www.law.cornell.edu/rules/supct/rule\\_10](https://www.law.cornell.edu/rules/supct/rule_10)  
39



1 It is abundantly clear that the Writ meets all the six criteria for  
2  
3 acceptance. First of all, several legal definitions of vital importance are  
4  
5 presented in Violation of Loper Bright Enterprises that have denied  
6  
7 justice to American citizens for decades. The essence of these  
8  
9 questions includes, but is not limited to:

- 10  
11 • Revisiting the current ambiguous definition of Judicial Immunity by  
12 limiting it to Article III Courts and denying it to Administrative Courts.
- 13  
14 • Judge dismissing a case as “frivolous” by Administrative Law when  
15  
16 defense fails to Appear.
- 17  
18 • Judge ruling of “frivolous” without thorough investigation of case  
19  
20 facts and law, rather than subjective Judicial Opinion.
- 21  
22 • Judge not subjecting frivolous accuser to the same penalty that he  
23  
24 attempted to inflict on the accused.
- 25  
26 • Liability for Misprision of Felony to Judge who dismisses a case with  
27  
28 felonies, when defense fails to appear and thus abandons the case.
- 29  
30 • Judge, especially 9<sup>th</sup> Circuit Judges, deny 14<sup>th</sup> Amendment “equal  
31  
32 protection of the law” by illegal use of Administrative Law.
- 33  
34 • Shall East Coast pseudo-scientists be denied extra-Congressional  
35  
36 authority to control vandalism of West Coast dams?
- 37  
38 • Judge failing to rule by scientific dam maintenance protocol:  
39  
40 dredging silt, scrubbing poisons, clean or install fish ladder(s).

1 These questions and definitions are all crucial to the culpability of FERC's  
2 negligent incompetence in granting KRCC its license. Plaintiff exhausted  
3 all state remedies, including the Oregon Supreme Court, with a ruling of  
4 "frivolous" at every level. In the process. The 9<sup>th</sup> Circuit  
5 has entered an Administrative Law decision contrary to the Article III  
6 courts of the neighboring 10<sup>th</sup> Circuit, and others. In fact, virtually all  
7 judges in the 9<sup>th</sup> Circuit have departed from their obligation to convene as  
8 courts under Article III in flagrant contumacy of the U.S. Supreme Court  
9 landmark decision under Loper Bright Enterprises on June 28, 2024. This  
10 demands the Court's supervisory intervention.  
11 Of primary importance, as noted above, is the fact that Respondents  
12 were in default, and they abandoned their case by Confession of Guilt in  
13 failing to Appear within the 21-day deadline. Thus, there can be no legally  
14 defensible reason for denying this Writ.

15 **Scientific Violations In Mitigation Document:**

16 This is in Appendix two.

17 **Plaintiff Expertise For This And Complementary Solutions:**

18 Appendix One has proof of Plaintiffs expertise.

19 **CONCLUSION**

20 In conclusion, for the above reasons this Rehearing should be granted

1 and the relief sought should be awarded. Petitioner prays for the Court to  
2  
3 Rehear this case by Rule 44 to confirm that Respondents violated the  
4  
5 internal FERC documents against cherry picking data. Respondents  
6  
7 violated these by ignoring County wide votes in Klamath and Yreka  
8  
9 County's polling where about 80% didn't want the dams removed, ignoring  
10  
11 2017 California Water Board testimony, and ignoring 2009-2011 Interior  
12  
13 Department sponsored, chemistry testing.  
14  
15 These test results appear In Chapters 2 and 3 of the Report to prove that  
16  
17 the silt behind the dams and now on the river side is highly contaminated  
18  
19 and highly toxic with Arsenic and Chromium 6. FERC made no effort to  
20  
21 perform any of their own mitigation requirements regarding these things --  
22  
23 including heat scrubbing or chemical scrubbing the silt because the State  
24  
25 Governors had already approved half a billion dollars for KRRC to remove  
26  
27 the dams. That was the reason FERC ignored their own mitigation  
28  
29 requirements and it may be these two board members were fired because  
30  
31 they violated their own rules and federal law by not conducting any public  
32  
33 hearings in the affected areas of Klamath Falls, Oregon and Yreka,  
34  
35 California. Had FERC conducted these required meetings Respondents  
36  
37 would no doubt have confirmed the 80% disapproval of local stake-  
38  
39 holders. Instead, Respondents relied solely on the Tribes and the state  
40

1 Governors who had already approved giving KRRC half a billion dollars to  
2  
3 take out the four dams.

4  
5 Petitioner confirmed this by setting up a table at the only super-market in  
6  
7 Klamath Falls and handed out documents explaining why there was no  
8  
9 need to take out the dams. 499 of 500 people agreed after being properly  
10  
11 informed. The relief sought in the Writ filed will allow Petitioner to clean  
12  
13 up the silt and require that no dam in the United States may be removed  
14

15 without salmonprotectiondevice.com approval. In short, the 2008 and 2024  
16

17 Biological Opinions are junk science and illegal cherry-picking evidence  
18

19 and testimony. Petitioner requests these Biological Opinions be made null  
20

21 and void by the U.S. Supreme Court. This is explained in the Writ filed in  
22

23 this docket.

#### 24 **ADDITIONAL RELIEF SOUGHT**

- 25  
26 1. In addition to the relief sought in the original Writ filed in the  
27  
28 instant docket; Petitioner humbly begs the U.S. Supreme Court to  
29  
30 order the 2024 Biological Opinion – and any future “BioOp” - be  
31  
32 made illegal, cherry-picking data because it is junk science.

- 1  
2 2. Petitioner humbly begs the U.S. Supreme Court to Commission and  
3  
4 fund Petitioner's company, Salmon Protection Device a non-profit  
5  
6 research corporation, to evaluate and approve or disapprove all  
7  
8 dam removal requests. Though perhaps seeming presumptuous, this  
9 request is justified by petitioner's qualifications in the Writ.  
10  
11 3. Petitioner humbly requests the U.S. Supreme Court to Order KRRC  
12 to  
13 transfer their current account balance and account files  
14  
15 (data files) to Salmon Protection Device for every year since  
16  
17 2019 because these are misappropriated funds sorely needed to  
18  
19 remediate the disaster created by KRRC.

20 

21 Certified by David C. White  
22 December 11<sup>th</sup> 2025.  
23

24 **CERTIFICATE OF SERVICE**  
25

26 I hereby certify that on 12/11/2025, a true and correct copy of the  
27 above document shipped filed with the Clerk of the Supreme Court  
28 using FedEx. A copy of the document will be served upon interested  
29 parties via email by FRCP Four Defaults to State Service Rules,  
30 ORCP 9 C 3.  
31 Solicitor General  
32 United States Department of Justice  
33 950 Pennsylvania Avenue, NW  
34 Washington, DC 20530-0001  
35 SUPREMECTBRIEFS@USDOJ.GOV  
36 Ph: 202-514-2217  
37 Party name: FERC

1 Via hand delivery  
2 Via U.S. Mail, 1st Class,  
3 Postage Prepaid  
4 XX Via FedEx two day Delivery  
5 Via Facsimile  
6 XX Via Email  
7 Via CM/ECF notification  
8 to the extent registered:12/15/2025  
9 By: David White



10  
11 Leland Jossy 12/15/2025  
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**Appendix One**

Plaintiff Expertise For This And Complementary Solutions:

Salmon Protection Device has been awarded the PEER-reviewed

contract to install five Salmon Protection Devices on the lowest dam

on the Columbia River System: The Bonneville Dam. In effect this is a big

cage attached to the base of each fish ladder made of one inch

stainless steel rods that gives the Salmon a running chance to escape

the hungry sea lions. We have the NOAA Fisheries fish ladder design

criteria and can design a fish ladder for any dam to avoid the draconian

"solution" of ripping out the dam. My number is 503-608-7611 x 602.

Based on everything we've seen so far, the data proves that Petitioner, a  
life-long Chemical Engineer, knows more about fish science than most fish  
biologists.



1 Failure to approve this Writ perpetuates a deadly threat for human and  
2  
3 animal life in the Klamath River Basin. Below is a warning sign we intend  
4  
5 to post on both sides of the river if this Writ is granted. Posting these  
6  
7 warning signs is a matter of life and death. Please do not deny local  
8  
9 residents this protection.

10  
11 Please note in the Prayer for Relief section below that 1 Plaintiff has  
12  
13 requested assignment of his own company as the qualifying agency  
14  
15 for 1) dam removal applications and 2) mitigation document review  
16  
17 prior to future FERC permitting.  
18  
19 Petitioner's Prayer to evaluate and approve all dam removals might at  
20  
21 first glance appears presumptuous. However, his lifetime of experience as  
22  
23 a Chemical Engineer who now teaches college biology

1  
2 at HymarkAcademy.us makes him far more qualified than the "expert" fish

3  
4 Biologists whose incompetence has destroyed the environmental

5  
6 ecosystem in the Klamath River basin. Petitioner was also a lifelong friend  
7 and associate of Steve Cramer of [www.fishsciences.net/](http://www.fishsciences.net/), who was known

8  
9 as "the go-to expert" for salmon research in the Pacific Northwest.

10  
11 As an example of his expertise in Biology, Petitioner recently "discovered"

12  
13 an enzyme to alleviate type one diabetes.

14  
15 <https://pmc.ncbi.nlm.nih.gov/articles/PMC11637828/>

16  
17  
18 THE SILT ON THE RIVERBANKS IS HEAVY LADEN WITH ARSENIC  
19 AND CHROMIUM 6 POISONS FROM THE FORMER IRON GATE DAM

20 ALL THE WAY TO THE OCEAN

21  
22 [https://salmonprotectiondevive.com/CDM\\_2011\\_0119\\_ScreeningLe](https://salmonprotectiondevive.com/CDM_2011_0119_ScreeningLevel-Evaluation-of-Contaminants-in-Sediments.pdf)

23 vel-Evaluation-of-Contaminants-in-Sediments.pdf 7

1 Chapter Three tables in the Department of Interior Report identify

2  
3 arsenic and chromium 6 up to 200 times safe levels in the silt.

4  
5 DON'T EAT THE FISH

6  
7 Las tablas del capítulo tres describen el arsénico y el cromo 6 en el limo.

8  
9 NO SE ACERQUE AL RÍO SIN MÁSCARA DE GAS.

10  
11 EL LODO ESTÁ CARGADO DE ARSNICO Y CROMO VI.

12 NO COMAS EL PESCADO

13  
14 Salmonprotectiondevice.com see Klamath page, 503-608-7611 x602

15 DAM REMOVAL 1 APPLICATION FORM

16  
17 This applies to all private and publicly owned dams in the United States

18  
19 and its territories.

20  
21 Clean water act by 33 U.S.C. §1251 Section 404, 408 or other

22  
23 appropriate section permit.

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1 Army Corp of Engineers Joint Application result.

2

3 Chemistry test of any silt on the upstream side of the dam including

4

5 mitigation of EPA listed chemicals.

6

7 [https://salmonprotectiondevice.com/CDM\\_2011\\_0119\\_Screening\\_Level](https://salmonprotectiondevice.com/CDM_2011_0119_Screening_Level)

8

9 Evaluation\_of\_Contaminants\_in\_Sediments\_1.pdf

10

11 Does the Dam have a fishway (fish ladder)? If so is it working or filled

12

13 with silt?

14

15 Detailed cost of dredging behind the dam.

16

17 Detailed cost of removing the dam.

18

19 [https://salmonprotectiondevice.com/Dam\\_Removal\\_Application.pdf](https://salmonprotectiondevice.com/Dam_Removal_Application.pdf)

20

21 [https://salmonprotectiondevice.com/Dam\\_removal\\_Approval\\_Procedure.p](https://salmonprotectiondevice.com/Dam_removal_Approval_Procedure.pdf)

22 df

23

1 Upload documents after filling them out here:

2  
3 <https://salmonprotectiondevice.com/dam-applications/>

4 END OF APPENDIX 1

5  
6 APPENDIX TWO

7 **Scientific Violations In Mitigation Document:**

8  
9 Cherry-picking data to support a false narrative for Klamath Dam removal  
10  
11 is wrong scientifically, wrong by FERC's own rules, and illegal because  
12  
13 the Chevron doctrine since 2005 was made null and void by 22-451.

14  
15 And yet, virtually all of the justices in the 9<sup>th</sup> Circuit have persisted in  
16  
17 flaunting 22-451 June 28th, 2024 Federal Case number 22-451 in Loper

18  
19 Bright since its enactment on June 28, 2024, refusing to convene as  
20  
21 Article III Courts. As Petitioner mentioned in the Writ filed in the instant  
22  
23 case docket, the 2008 biological opinion was cherry-picked with

24  
25 absolutely no fish biologist comments -- only legislators nationally and  
26  
27 locally. Petitioner speculates very few of those opinions garnered had any

28  
29 Fish Biology in college. They mostly have law degrees. Therefore, the  
30  
31 2024 Biological Opinion is the same old cherry-picking, junk science.

32  
33 Fish ladders Work if the silt is dredged and the ladders are cleaned or  
34



1 installed. As a clear example, Case 18-cv-00437-HZ in Federal Court in a  
2  
3 Portland, Oregon ruling was based on incomplete science and Plaintiffs  
4  
5 using Federal Department of Justice Attorneys to sue the government.  
6  
7 This is 18 USC 11, Conflict of Interest. Specifically, Section 203 87-849  
8  
9 Conflict of Interest Provisions of Public Law.  
10  
11 Furthermore, the ruling required draining the dam to release the massive  
12  
13 ramp of silt behind it. This is junk science folly. The silt "ramp" on the  
14  
15 upstream side is around 775 feet tall according to an Operator of the  
16  
17 dam. The fish ladder on the upstream side sits at 525 feet. The fish ladder  
18  
19 has been filled with silt since 1989. The result of the uninformed ruling  
20  
21 was dark, colored water running from Linn County faucets. The Clean  
22  
23 Water Act specifically prohibits creating this condition: the  
24  
25 provisions of the Federal Water Pollution Control Act, specifically 33  
26  
27 U.S.C. 1251 a. 1-7. This is also covered in 42 USC CHAPTER 6A,  
28  
29 SUBCHAPTER XII: SAFETY OF PUBLIC WATER SYSTEMS.  
30  
31 The previous case ruling is a violation of Oregon law ORS 496.705,  
32  
33 resulting in damage suits for negligent, but unlawful killing of wildlife.