

**OPINION**  
**47-243**

June 30, 1947           (OPINION)

WATERS

RE:  Irrigation Projects, Authority of Water Conservation Commission  
     to Aid in Repairing Dams and Irrigation Facilities

This office is in receipt of your letter of June 30, 1947, asking for the opinion of this office on the following proposition:

You state that sometime ago Congress authorized the transfer of what has been commonly known as the "Burlington Properties" near Burlington in Ward County, North Dakota, by the secretary of agriculture to the state of North Dakota, acting by and through the state industrial commission. The properties so transferred include the reservoir and lands adjacent thereto, including the irrigated tracts.

At the request of the industrial commission, you as chief engineer have made an inspection of the properties involved and you find there is need of some expenditure and work in the maintenance of dams and matters incident thereto. You inquire whether the state water conservation commission would have authority to make a grant to the state industrial commission for the purpose of doing such necessary work, and you inquire further whether such grant may be made out of any balance remaining in the appropriation made by the 1945 legislative assembly in chapter 140 of the Session Laws of that year, having particular reference to the item of maintenance of dams, \$45,000.00.

The entire appropriation provided by chapter 140 of the 1945 Session Laws is for the purpose of general administration expenses, maintenance of existing dams and drainage channels, construction of needed drainage channels, planning and surveying projects, and expense of state compacts.

It certainly was the intention of the legislative assembly in making such appropriation that the same should be used for the purposes to which I have just referred. They are all related and pertain to the same general objectives, and, therefore, it would follow that the balance now remaining in the item of \$45,000.00 for maintenance of dams can be used for the purpose to which you have referred.

It is, therefore, the opinion of this office that this grant or transfer is a legitimate purpose and the funds necessary may be used to defray the expenditures in connection therewith. However, in order to make use of the appropriation under chapter 140 of the 1945 Session Laws, the commitment should be made prior to July 1, 1947.

NELS G. JOHNSON

Attorney General