

Opinion No. 213.

**Schools—Trustees—Water Supply
System, Power to Build Limited.
Cities and Towns, May Not
Sell Water to.**

HELD: School boards have no power to engage in the sale of water to the public or to cities and towns, or to install a water supply system more than sufficient to supply the reasonably anticipated needs of the schools.

December 16, 1935.

Mr. Harold G. Dean
County Attorney
Thompson Falls, Montana

With your letter of December 12 you enclosed certain correspondence among yourself and the Clerk and Chairman of School District No. 9 of Dixon, Sanders county, Montana, from which I gather that the question has been raised whether said School District may lawfully sponsor a Federal public works project to consist of a water supply system, investing school monies, either from funds on hand or to be raised by a bond issue, to cover the costs of materials, for the purpose of enabling the citizens of the town of Dixon, either directly or indirectly, to make use of said water supply system.

It appears that you advised the Clerk of the District that such action would not come within the powers of the school trustees, and with this opinion we agree.

Boards of school trustees have no powers except those expressly granted by law or necessarily implied from those granted (*McNair v. School District No. 1 of Cascade County*, 87 Mont. 423, 288 Pac. 188, 69 A. L. R. 866). We find nothing in the law authorizing school boards to engage in the sale of water to the public or to install a water supply system more than sufficient to supply the reasonably anticipated needs of the schools or to invest the school funds for the benefit of towns or persons not en-

gaged in the functioning of the schools. Accordingly, it is our opinion that such action as is outlined above on the part of the School Board at Dixon would be unlawful.