

**Funds, Transfer, Form of. State Engineer's Expense Fund,  
Transfer of.**

Method and form of transferring funds from the state engineer's expense fund to the general fund of the state.

Helena, Montana, January 13, 1909.

Honorable State Board of Land Commissioners, Helena, Montana.  
Gentlemen:

I am in receipt of your communication of the 9th instant, requesting this Department to prepare an order for the transfer of the sum of \$920.35 from the State Engineer's expense fund to the General Fund of the State of Montana, as part reimbursement of the General Fund for moneys expended on behalf of the Carey Land Act Board in the measurement of streams, etc., under the authority of Chapter CXIV of the laws of 1903.

The State Engineer's expense fund, as provide din Subdivision 3 of Section 25, Chapter 105, Laws of 1905, "shall be used under the direction of the State Board of Land Commissioners and the State Engineer." Any transfer of the moneys of this fund should, therefore, be made by the joint action of the State Board of Land Commissioners and the State Engineer. This order may be made by minute entry at a meeting of the State Board of Land Commissioners at which the State Engineer is present and participates in the proceedings relative to the order making the transfer, or it may be an independent order, signed by the State Board of Land Commissioners in the usual manner and by the State Engineer. Such order would be substantially in the following form:

"The State Board of Land Commissioners and the State Engineer, acting jointly, and under and by virtue of the authority of Section 25, Chapter 105, Session Laws of 1905, hereby order transferred the sum of \$929.35 from 'the state engineer's expense fund' to the general fund of the State of Montana, as part reimbursement of said general fund for moneys expended for stream measurement by the State Engineer during the years 1907 and 1908, under authority of Section 7, Chapter CXIV., Laws of 1903.

Dated, Helena, Montana, this ..... day of January, 1909.

STATE BOARD OF LAND COMMISSIONERS,

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President.  
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Secretary.  
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Members, State Board of Land Com-  
missioners.  
.....  
State Engineer."

If the order of transfer is made by minute entry, it should be substantially in the same form, and should show affirmatively that the Satet Engineer was present and participated in the proceedings; and, perhaps, the safer way would be for him to approve the transfer over his own signature in the minute book.

Very truly yours,  
ALBERT J. GALEN,  
Attorney General.