

**State Board of Health—Jurisdiction—Water Supply—  
Cities and Towns.**

The state board of health has general supervision over the sources of water supply for cities and towns and this supervision is not subject to the will of the city or town council and is not subordinate to any authority vested in the city or town council.

June 12, 1928.

H. B. Foote, Esq.,  
State Board of Health,  
Helena, Montana.

My dear Mr. Foote:

You have requested my opinion on the following question:

“Has the state board of health jurisdiction over water supplies of cities and towns, or is this power lodged with the city council?”

Section 2641 R. C. M. 1921 provides as follows.

“The state board of health shall have the general oversight and care of all inland waters and of all streams, lakes, and ponds used by any city, town, or public institution, or by any water or ice company in this state, as sources of water supply for domestic use, and of all springs, streams, and watercourses tributary thereto. It shall be provided with maps, plans, and documents suitable for such purposes, and shall keep records of all its transactions relative thereto.”

Section 2651 R. C. M. 1921 further provides that if a complaint is made to the mayor of any city it shall be acted upon by the state board of health.

From the foregoing it is clear that the state board of health has general supervision over the sources of water supplies for cities and towns and that this supervision is not subject to the will of the city or town council and is not subordinate to any authority vested in the city and town council.

Very truly yours,

L. A. FOOT,  
Attorney General.