

Counties—Irrigation Districts—State Highway Commission.

The state highway commission may cooperate with a county and irrigation district for the construction of a ditch for their common benefit.

September 4, 1928.

State Highway Commission,
Helena, Montana.

Gentlemen:

On August 29th this office rendered an opinion to you regarding the authority of the state highway commission to cooperate with a county and an irrigation district in constructing a drainage ditch which would aid in the maintenance of a state highway and in the reclamation of certain lands within the irrigation district.

Since the rendition of this opinion my attention has been called to the fact that in your plan it is contemplated that the state highway commission, the county and the irrigation district shall enter into an agreement for the letting of a contract to do this work, and that the concur-

rent action of all of these bodies will be made necessary before official action can be taken. With this requirement, it is my opinion that there will be no question regarding the delegation of authority by one entity to the other.

Since this work is such that any one of these entities might, if it saw fit, have taken the responsibility of undertaking and completing it at its own expense, I see no reason why they may not unite and each pay a part of the cost.

It is therefore my opinion that the state highway commission may cooperate with a county and an irrigation district in letting a contract for the construction of a drainage ditch when the concurrent action of all these bodies is necessary before any action can be taken.

Very truly yours,

L. A. FOOT,
Attorney General.