

same require an expenditure of over \$500.00.

June 17, 1935.

Mr. J. S. James  
State Engineer  
The Capitol

You inquire as to whether or not it is necessary to advertise for bids for the construction of Water Conservation Projects where same require an expenditure of over \$500.00. In particular, attention is called to certain small projects where the work may be done in part or in whole by parties interested in the construction of the work.

Chapter 96, Laws of 1935, provides among the powers given to the State Water Conservation Board: "To construct any projects or public works by contract, or otherwise, as prescribed by Act of Congress, or by any rule or regulation thereunder."

The rule is well settled and has been recognized in this State that it is not necessary to advertise for contracts unless same is required by law. *Miller Insurance Agency v. Porter*, 93 Mont. 567. In this case are cited certain statutes requiring advertisement by the Board of Examiners. In an opinion by the Attorney General to the Hon. John J. Holmes, dated September 16, 1933, attention was directed to the following statutes: Chapter 149, Laws of 1927, requiring advertisements for building in excess of \$500.00, and Chapter 66, Laws of 1923, requiring advertisements for bids by the Purchasing Agent.

We have been unable to find any specific statute requiring the advertising for bids in the case you mention and, therefore, conclude that same is not necessary in all cases, and that in the event in the exercise of your discretion you determine that it is not advisable to advertise for bids you may secure the construction of the works mentioned without that formality.

Opinion No. 119.

**Water Conservation Board—Bids—  
Advertising for Bids.**

**HELD:** It is not necessary for the Water Conservation Board to advertise for bids for the construction of Water Conservation Projects where