

Opinion No. 53-5682

February 18, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. John H. Bliss State Engineer Santa Fe, New Mexico

{*76} In your letter dated February 13, 1953, you state that it is necessary to provide living quarters for the water master at Costillo, that you have rented the only available house for him for three years and have made improvements therein which under the agreement with the landlord may be removed should other quarters be available. However, it now becomes possible for you to purchase the house and you request an opinion whether you can legally purchase and pay for this property in the sum of \$ 800.00 from the income fund of the Water Reservoirs For Irrigation Purposes Fund.

The services of a water master are necessary in utilizing and conserving the water stored in the Costilla are and if, in your opinion, it is necessary to provide, by purchase or otherwise, necessary living quarters for the water master such use of the Trust Fund would not be a violation of the trust under the Enabling Act.

In State ex rel. Yeo vs. Ulibarri, 34 N.M. 184, in connection with underground waters, the Supreme Court adopted a broad construction {*77} of the purposes for which these trust funds may be used and among those purposes was that of utilizing and conserving the waters of the State. For this reason it is the opinion of this office that you may easily purchase the property out of said fund without any danger of violating the trust provisions.

By: C. C. McCulloh

Assist. Attorney General