

Opinion No. 44-4551

July 24, 1944

BY: C. C. McCULLOH, Attorney General

TO: J. W. Branson, Dean, N.M. College of Agriculture and Mechanic Arts, State College, New Mexico

In your letter dated July 21, 1944, you state that the Grazing Service is willing to furnish drilling equipment for the drilling of wells, and that in certain counties the Farm and Range Improvement Funds are necessary to pay the freight upon such drilling equipment, and that the freight is the only charge which will be made for the use of said equipment. You are wondering whether these funds may legally be used for that purpose.

Section 7-306 of the 1941 Compilation provides that the Farm and Range Improvement Fund shall be expended by the county for the benefit of the county in the conservation of soil and water, among other things. The drilling of water wells would not ordinarily be considered conservation of water, and yet, in its broadest meaning, conservation may include the development and proper use of natural resources. See U.S. v. Mammoth Oil Company, 5 F.2d 330. The development of water through the drilling of wells may well have a direct bearing upon soil conservation, and thus may be within the meaning and intent of the above mentioned section.

For that reason, I believe such funds may legally be spent in the manner outlined by you, and that such expenditures may be approved by you.