June 1, 1934.

Mr. H. C. Sparks,
Registrar of Contractors,
State Building,
Phoenix, Arizona.

Dear Sir:

By recent communication, you requested the opinion of this office as to whether the Salt River Valley Water Users Association should be licensed to do a contracting business when the association attempts to alter, construct or repair a water pump which is privately owned, which machinery or apparatus is used to pump water which is incidental to farming.

It is my opinion that the Salt River Valley Water Users Association is not required to obtain a license as a contractor in order to prosecute the work of the nature which you indicated in your communication to this office under date of May 29, 1934.

I call to your attention the fact that the Act, among other exemptions, specifically exempts from its provisions any construction or operation incidental to farming, dairying, agriculture, viticulture, (culture of the vine) horticulture, stock and poultry raising. You will note that this exemption is as to the nature or subject matter of the work and is not to be construed as an exemption to any class of contractors.

The determination of such a question depends upon ascertaining the purposes of the work or the end result to be derived therefrom and if in this instance the pump or motor or gasoline engine, or whatever else may have been repaired, is to be used for irrigation purposes or some purpose incidental to the several subjects enumerated, supra, then the individual doing the work is not required to procure a license.

Very truly yours,

Attorney General,

By

Assistant Attorney General.

JFC/dm

34-204