

**Opinion No. 21-2983**

May 27, 1921

**BY:** A. M. EDWARDS, Assistant Attorney General

**TO:** Mr. Thomas P. Gable, State Game and Fish Warden, Santa Fe, New Mexico.

**Permits to Fish in Elephant Butte Dam.**

**OPINION**

{\*60} In further answer to your inquiry of May 10th, I may say that from the reading of section 1 of the new Game Commission act it is the purpose of the act to provide an adequate and flexible system for the protection of the game and fish of New Mexico. Section 6 of the act authorizes the Commission to make such rules and regulations {\*61} and establish such service as it may deem necessary to carry out the provisions and purposes of the act.

We believe that under these two provisions the Commission has authority to authorize you to issue permits to fish in the Elephant Butte reservoir in the form which you have submitted to this office. We suggest that in order to show your authority to issue such permits the Commission adopt a resolution substantially in form as follows:

"BE IT RESOLVED, That it is the judgment of the Commission that in order to protect the game fish in the Elephant Butte reservoir, the State Game and Fish Warden is hereby authorized and directed to issue permits for the taking of nongame fish from the said reservoir, with a provision in such permit restricting the taking of game fish from said reservoir, and the Warden is instructed to charge a fee of one dollar for the issuance of such permits."