

Opinion No. 36-1343

April 3, 1936

BY: FRANK H. PATTON, Attorney General

TO: Honorable Clyde Tingley, Governor of New Mexico, Santa Fe, New Mexico.

{*111} I have your reference of April 2nd which is composed of letter to yourself dated March 30th from Captain Hans Kramer, together with your letter of April 2nd replying to Captain Kramer, all in connection with the agreement to take over and maintain the Conchas Dam project.

On February 14th of this year the Interstate Stream Commission executed a resolution, a copy of which is herewith enclosed and made a part of this letter.

The Interstate Stream Commission was created by Chapter 25 of the Session Laws of 1935. The said act provided that said Commission should be composed of three members, {*112} two of whom were to be appointed by the Governor and the third member to be the State Engineer.

Pursuant to this act the said members have been appointed and the Interstate Stream Commission is now an official body of this state created under provisions of law.

The powers of said Interstate Stream Commission are enumerated in Section 3 of said Chapter 25 and, among other things, it is provided that that body is empowered to investigate water supply, to develop, to conserve, to protect, and to do any and all other things necessary to protect, conserve and develop the waters and stream systems of this state, interstate or otherwise.

In view of the comprehensive provisions of the act in its entirety, and said Section 3 in particular, it is my opinion that the said resolution of February 14th is a valid exercise of the powers and duties of the Interstate Stream Commission of this state.

I herewith return the above mentioned correspondence for your file.