

Opinion No. [37-1036]

June 22, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. Thomas M. McClure State Engineer Santa Fe, New Mexico

{*128} This will supplement my letter to you of June 22nd as I notice I fail to answer your question as to whether it is necessary to republish notices published as described by you and, if so, upon whom will the expense of republishing the same fall.

It is my belief that, under all the facts and circumstances submitted by you in your letter and in your oral conversation, such republication is not necessary.

In the first place, I know of no way whereby you could require the applicant to bear the expense of republication, and in the second place, I see no reason for your office to bear same.

Where the actual time for protest has passed and in any case where it can be shown that the proposed protestant had notice of the pending application, it is my belief that no detriment has accrued and my advice is that you follow the policy of refusing to republish in such cases.