

**Opinion No. 37-1684**

June 22, 1937

**BY:** FRANK H. PATTON, Attorney General

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

{\*127} Your letter of June 21, regarding Section 3 of Chapter 131 of the Session Laws of 1931, has been received and you now desire more specific information concerning the publication of the notice mentioned therein.

The intention of the law is simply to give interested persons a ten-day period in which to file protests to filed applications. This ten-day period is from the date of the last publication of the notice by you of the filing of such application.

I do not believe the form you have been using is correct and I fear it is confusing to proposed protestants.

I think the better way to proceed would be for you to have this publication made yourself and charge the costs as provided by Section 1 of Chapter 122 of the Laws of 1933.

I think it will be a substantial compliance with the statute if you simply state that objections may be filed at any time within ten days after the date of the last publication of the notice. Proposed protestants {\*128} cannot be penalized because of delays or errors of the printer.

On the other hand, publication of the notice is notice to all and if the ten-day period expires and no protest is filed within that time, then such protest comes too late for consideration by you.