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STATE OF NEW MEXICO T&M LAW FIRM
OFFICE OF THE STATE ENGINEER

John R. D'Antonio, Jr., P.E.
State Engineer

Administrative Litigation Unit

Mailing Address:
P.O. Box 25102
Santa Fe, NM 87504-5102
Telephone: (505) 827-3519
Fax: (505) 827-3520

18 October 2010

Jolene L. McCaleb, Esq.
Taylor & McCaleb, P.A.
P.O. Box 2540
Corrales, NM 87048-2540

Re: *San Juan Water Commission vs. John R. D'Antonio, Jr., New Mexico State Engineer - D-1116-CV-2008-01699*

Dear Jolene:

As per our previous discussions, I have identified additional documents from the personal notes of State Engineer John R. D'Antonio ("SE") and of Jim Sizemore, that are responsive to your Requests for Production ("RFP"). I enclose them herein; the specific RFP that each relates to should be self-explanatory. They are as follows:

Personal notes of the SE dated August 16, 2005 regarding the Hydrologic Determination;

Personal notes of the SE dated March 1, 2006 re: Hydrologic Determination

Personal notes of the SE dated June 23, 2006 regarding the Hydrologic Determination (non-responsive but sensitive portions redacted);

Personal notes of the SE dated August 22, 2006 regarding the Hydrologic Determination (non-responsive and sensitive portions redacted; responsive and privileged portions redacted and will be noted on privilege log);

Personal notes of the SE dated February 19, 2007 from meeting with Governor's Cabinet identifying the Hydrologic Determination and SJWC "claims from downsizing ALP" as issues;

Personal notes of the SE dated April 11, 2007 regarding Hydrologic Determination

Personal notes of the SE dated April 13, 2007 regarding the Hydrologic Determination;

Personal notes of the SE dated November 17, 2007

Personal notes of Jim Sizemore dated August 12, 2008 regarding the Application;

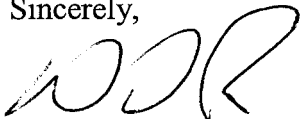
Personal notes of the SE dated July 20, 2009 from a settlement conference with the SJWC;

Personal notes of the SE dated December 12, 2009 from closed session with SJWC

Personal notes of the SE dated January 13, 2010 from settlement conference with SJWC (privileged material redacted and will be noted on privilege log);

We are in the process of finalizing the additions to the privilege log from the personal notes of Mr. Sizemore and the SE.

Sincerely,



Daniel Rubin
Special Assistant Attorney General
Office of the State Engineer

cc: Keitha Leonard
Richard Cole

8/16/05
Cabresto

Wilfred Puel - Cabresto

In best interest to Repair Dam.
SYM is significant

Cabresto owns $\frac{1}{3}$

Clune

130 parcels
1200-1800 Acres

3 biggest land owners

300 parcels

1200 Acres

Access

* Navajo Nation

B.A. needs to be
consistent with the
hydrologic Determination

Bar
Bill Co

[Redacted]

Department
of Trade
L
in

[Redacted]

sale

[Redacted]

ways

[Redacted]

ways
of

[Redacted]

[Redacted]

of

[Redacted]

to

[Redacted]

(2) Unanimous Decision by Upper Colo. Comm. on
Acceptance of Hyd. Defer. (Enough water in San Juan
Basin for N.W. Settlement. DOI secretary

[Redacted]

of

[Redacted]

8/22/06

IT

Enterprise contract mgmt - They not business,
case together - Records Mgmt + & Retention
\$00K for Agency

Low out plan for Agency

This upgrades our Imaging System

8/22/06

Navajo Nation Legislation

Telephone

Estevan, Tanya
John Utton, Stanley P.
Mike Connor

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

① [REDACTED]
② [REDACTED]

[REDACTED]

8/22/06

Hyd Det.

Rick Gold

Az has talked to Commissioner Rinney

Release DEIS to cooperating ~~issues~~ agencies

Indian Water Rights office - Jeanette Gimble

Could End Hyd. Determination forward

9/23/06

Hal Simpson

303-916-1093 (cell)

8 or 9 cfs @ Hesperus Gauge
up to 13 cfs

Under NM rotation

Shut down Enterprise to send

down to more senior rights in NM.

Following up on letter

* Understand plumbing off of Pioneer Ditch

share
with Mr.
Dunlap

→ Colo. rotation would by-pass 3 cfs
to keep reach wet through losing
reach, so when NM rotation come
up water would get to NM users.

Maybe rotation should be longer?
Sit down and try to agree on alternate
admin that could work better

2/28/07

NMESC

Short
2 hr Agenda

Desire March Mtg
to be in Logan.

STAFF REPORT

Ralph Gallegos - New Employee

R.G.

Engineer Advisor Mtg.

Compact Accounting

over-delivered ~ 280^K AC-FT

Article VI limits credit to 150K AC-FT
in any given year.

TOT. Credit 187^K AC-FT

Out of article VII end of January (will be back in
late April)

URGwom EIS

USACE. Problems

No authority to move R.L. Bridge?

More sustainable B.O. (working towards)

Sense of
urgency
on USACE
come!

San Juan

Both Senators ready to move
aggressively on all 3 settlements

Draft EIS out by end of March

Hyd. Defor: 1 last consult. w/Arizona

Call w. 5060 Strategic Plan: ~~XXX~~ 2/16/07
 GASAC Prof. Serv. RFP Cont. Call
 Nate + Mike

Nate - Sen. Domenici
 Concerns with the State Contribution
 "Let's do all Three"

500 Ac-ft - 700 Ac-ft from Cochiti Analysis

- SSWC complaints about Hydro. Determination (2/19/07)
 Claims from Downsizing ALP project Cabinet
- Sens. Bingaman + Domenici agree to push
 legis. for all 3 Indian Water Rights Settlements
 (Crushing a fight with the administration)

Katherine Miller

Supplemental Budget Requests

* Contact Budget Division
 Let them know about our problems
 Need actual figures.

Lobby for Governor's Initiatives that
 did not get in

Sharon Ping - new Domestic Violence Grant
 Bills Moving OK -

Katherine	HB 53	WTB membership & chair person	passed House
	HB 230	Acequia Governance Educ. & Training	DP-Committee
JoAnna	HB 433	Land, Wildlife & Clean Energy	HENR
Katherine	HB 781	OUID	DP-Committee

4/11/07
NMISC
Logan W.M.

STAFF REPORT

Rio Grande Native Water Storage USACE

2 Step process

- MORA -- storage & release activities
- ABCURMA

San Acacia - R.R. feel like they no longer have the authority for that project.

R.G. restoration

- 100 Acres of rehab along river
- Now need to monitor

New Refugee - Ground Breaking
(Reinforcement of B.O.)

Snow Park now only 60% of average.

Back into Article. NTH later this month

Recos Snowpack/Rundt has dropped

will add 15,100 credit this year (anticipated)

Total credit ~ 60,000 Ac-Ft

San Juan Hyd: Determinations - verbally agreed to

Anticipated legislation - expected very soon

5:30pm

4/13/07

Colorado River

Wash. DC - Rick Gold

① Hyd Detor Language.

② Grouping Issue S-JC.

Drafted Language for Commissioner thru Mark Limbaugh for Secretaries Signature

4/13/07

NMPG ISSUE

Tessa D. (Telephone)

Bill Hume

DC

4/13/07

Herb Greenher

Will in a w

① 2 weeks 7 basin agreement

② April 5th letter

7/20/09
SJWC

Mark Duncan unable to attend
Liz Taylor
Randy Kirkpatrick.

DL
Jim S.
John R.

① Pending case before Judge Sanchez
on ALP water

Scheduling
order
signed in
May

Wants to explore settlement

② SJWC ability to hold water rights

Questioned
Substantive
for Army's
(analysis
dismissive)

10400 Consumption for ALP water

Discussed to
end 2/19/10

Entities are reporting to SJWC their
use of ALP

Sept. 2009
Bunch tried

- 14 of 15 permits include SJWC
and separate entities

permit
array

- 1 permit just in name of SJWC
(reserved water) not allocated to and
specific entity (5000 Ac-ft CU -> 3300 Ac-ft
C.U.)

Due to
analysis

11/20/04
SJWC

① Settlement?

Should like to have the ability to
hold water.
Should like to make some sort of
compromise

They made a settlement offer some time
ago [letter to Dan Rubin]
September 2007

Elements of the offer would be

Similar
SJWC 5000 water 1200

Split the rest with N.N.

1996 report

2000-2001 Asked Ben Turner to write
letter to the Secretary

Accounts for water

Cities need to allocate their water use

Brownfield workshop of water

Paraglyph is still allows separate
entities to buy their own water. But

7/20/09
SWE

Parody

The ~~idea~~ intent is to put everyone's plan
into one Comprehensive Plan
(Regional plan)

They're only using 1/4 of their
potential funding

They need another \$ some facility

DL: 12/14/09
SJWC
Closed Session

* Would like to get out of litigation
Mr. Chairman Duncan

Permit 2883

Application made in 2000
72-5-33

* How as the 50/50 amount of extra
water negotiated? [for the extra water]

① Provisional ^{permit} license that ^{completes} ~~permits~~
with water released under 8.1 of settlement
we all agree to 1) release of water of by DOI
2) water available
Everything's covered under 8.1

② Discretion on reasonable ^(horizon) ~~period~~
not necessarily a "40yr plan" might
well be shorter or longer
within settlement

③ Ask for an immediate stay on litigation

④ Negotiating team together

④.1 SJWC representatives Cy Cooper
Mark Duncan

④.2 Term sheet in place in January

④.3 Negotiate the details for 1990 Document from?
Randy - DL

Andrés

Sept 10. SDWC hearing - oral arguments about the availability of unappropriated water in the San Juan

4

HR Mgt Plan - due soon

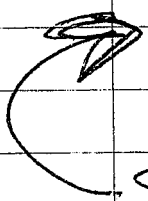
8/12/08

Rio Gallinas

Dr. Richard, Hilario, John D
w. Jim

Sen. Griego involved in an Ag improvement plan - grow something on land

Developing plan - scope
Luna CC will be hub of project - include water conservation effort at Luna - help w/ design



Senator Campos

John D. some kind of formal

1/13/10
SJWC

John Utton - cont.

Paragraph 9.3

Protection for AIP contractors

[REDACTED]

Licence Settlement 23.7 Kilo-F. Not identified in 1988 Determination

16.2 FNM } 2007
7.5 Group } Determination
23.1

1989 Def. shows 22.5 Remaining

[REDACTED] on hook to refine 11,000 Acres non-indian (with settlement - no longer necessary) AG

[REDACTED] O.B.C. to M.B.C. 19% increase and add back 11,000 Acres gets back on additional "D.R. A-E-F"

[REDACTED] 7 bins states re-analyze comp. effects (on CRSP - NM overcharged on expenditure losses resulted in 20% A-E-F)

[REDACTED]

1/13/10
SJWC

Jim Dunlap DL
Cy Cooper Utton
Liz Taylor
Solene McCabe
Richard Cole
Jay Burnham
Randy
Sally
Status conference U.S. would make resources available

DOT Sec. Evaluating available supply

John Utton Primary, N.M. Settlement Negotiator
We made a lot of changes based on many comments
Wanted to make it work for all New Mexicans

1/13/10
DWC

[Redacted]

Risks could be unevenly distributed among members
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Big Taylor
Very Interested in offer
Need a little more meat
Term sheet

3/1/06
Rick Gold

John Whipple
David Trueman } working together

Rick
Gold

The Engineering Work Group

[REDACTED]

mail
hang

The Determination that N.M. is within
its entitlement

Secretary is
not of Lower
Basin

Letter to 3 states - then follow w/ Commission Decision
Secretary is not W.M. of Upper Basin
(Not overstep the Secretary's authority)

Commission make Compact Decision
Sect. can embrace the Decision

Helps insulate the U.B. from the
intrusion of the Secretary

Draft ^{GIS? (Feasibility)} Document Soon Available
and Determination will help.

Could be ready by April/May Timeframe

Reprogramming some sort other fund to