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January 26, 2004

VIA EMAIL (scone@infoway.lib.nm.us) AND U.S. MAIL

Mr. Steve Cone
 1217 Chaco Avenue
 Farmington, NM 87401

RE: Public Records Act Request dated January 20, 2004

Dear Mr. Cone:

I am in receipt of your letter to State Engineer John D'Antonio dated January 20, 2004, responding to my letter to you of the same date and requesting additional documents related to the proposed San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement under the New Mexico Inspection of Public Records Act, NMSA 1978, Chapter 14, Article 2 (the "Act"). This letter shall serve to notify you, in accordance with Section 14-2-8 of the Act, regarding the availability of the records for inspection.

First, with respect to the availability date for the records requested under your request of January 19, 2004, we maintain that we require additional time to review the documents for privilege. This review must be conducted by a lawyer, and the records you have requested are interspersed with records containing attorney-client, work product, deliberative and litigation privileged material. We will make every reasonable effort to make these records available on or before February 13, 2004.

Second, with respect to the records requested under your request of January 20, 2004, please be advised that these records will be available for inspection and copying on or before February 4, 2004, to the extent such records are subject to disclosure under the Act and to the extent we have such records in our possession or control. These records will be made available at the Bataan Memorial Building, Room 101, in Santa Fe, New Mexico. For duplication, we charge a fee of \$0.20 per page and \$3.00 for maps.

If you have any questions or concerns, please feel free to call me at 476-0554.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Fisher".

Karen L. Fisher
 Acting General Counsel

cc: Mr. Alex Salazar
 ✓ Mr. John Whipple
 Stanley M. Pollack, Esq.