

SJ-11  
Navajo Nation  
Settlement

**John Whipple**

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**From:** Karen Fisher  
**Sent:** Monday, April 05, 2004 3:37 PM  
**To:** scone  
**Cc:** Salazar.Alex; waterjim; John Whipple  
**Subject:** RE: Response to Inspection of Public Records Act Request

Mr. Cone,

I am responding to your telephone inquiry on Friday whether we would need to enumerate and identify with specificity the documents we are withholding under your Inspection of Public Records Act request. I spoke with Albert Lama, who is the director of the Civil Division of the New Mexico Attorney General's Office regarding this matter. Mr. Lama informed me that, in his opinion, such an enumeration is not required by the Act and that a categorical description of the records withheld would suffice.

As I explained to you on the telephone, we are withholding documents under your request "to view all records of the [Navajo Settlement] Negotiation over the past 18 months," to the extent such documents are subject to Section 14-2-1(A) (9) of the Act. These documents are exempt from disclosure as attorney-client privileged communications, attorney work product and material prepared in the course of litigation. To the extent the Interstate Stream Commission has waived such privilege by providing documents to third parties, these documents, including to the extent they exist "communications from November 15, 2003 to date, between State and New Mexico congressional delegates or their staff on the subject or substance of the Negotiation," have already been made available to you for inspection and copying.

With respect to your request for "transcripts of conference calls between Mr. Utton and any New Mexico congressional delegation staff personnel," no such documents exist. With respect to your request for "all comments on the proposed Navajo settlement received by the State from January 16 to date," these documents are available for inspection and copying at our offices. Please contact John Whipple at 827-6172 if you wish to arrange a date and time for inspection.

Please let me know if you have any questions or concerns.

Karen L. Fisher  
Acting General Counsel  
New Mexico Interstate Stream Commission  
(505) 476-0554

-----Original Message-----

**From:** scone  
**Sent:** Thursday, April 01, 2004 4:13 PM  
**To:** Karen Fisher  
**Cc:** Salazar.Alex; waterjim; John Whipple  
**Subject:** Re: Response to Inspection of Public Records Act Request

April Fools, Day 2004

Ms. Fischer,  
Regarding our March records request, we would appreciate a list detailing all records responsive, both those being withheld as exempt and those ruled available for viewing.  
Steve Cone  
for  
"electors Concerned about Animas Water" -- CAW --

On Monday, March 22, 2004, at 12:00 PM, kfisher@ose.state.nm.us wrote:

> Mr. Cone,  
> You are correct that I am not in any way suggesting that production of  
> the requested documents is contingent upon you or your organization  
> taking any further action. I was merely inquiring because we are  
> interested in receiving full public input, and knowing who may have  
> issues to raise is a part of that.  
> Karen L. Fisher  
> -----Original Message-----  
> From: scone  
> Sent: Monday, March 22, 2004 11:20 AM  
> To: Karen Fisher; alp  
> Cc: Salazar.Alex; waterjim; John Whipple  
> Subject: Re: Response to Inspection of Public Records Act Request  
>  
> << File: Re\_ Response to Inspection of Public Records Act Request >>  
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