

**John Whipple**

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**From:** scone  
**Sent:** Tuesday, January 20, 2004 10:03 PM  
**To:** jwhipple; waterjim; jd'antonio; Karen Fisher  
**Cc:** callie.gnatkowski; mike.connor; adamatronics; ecoriz; BParry; lundstrm; senator.bingaman; attorney; manager; council2; mayor; alp; sjwcoffice; rashman; laurab; markl  
**Subject:** NM Inspection of Public Records Act Request

**ATTENTION: NEW MEXICO INSPECTION OF PUBLIC RECORDS ACT  
REQUEST**

(transmitted electronically)

20 January 2004

"electors Concerned about Animas Water" -- CAW  
1217 Chaco Avenue  
Farmington, NM 87401

John D'Antonio, New Mexico State Engineer  
Office of the State Engineer  
Secretary Interstate Stream Commission  
PO BOX 25102  
Santa Fe, New Mexico 87504-5102

Dear Mr. D'Antonio:

In her reply today to our 19 January 2004 New Mexico Inspection of Public Records Act, NMSA 1978, Chapter 14, Article 2 ["Act"] request, your Acting General Counsel Karen L. Fisher stated, "[m]uch of the material will need to be obtained from our contractors' files." Ms. Fisher noted that "all the material must be screened" and that the State of New Mexico ["State"] will "require additional reasonable time" --up to an extra ten days until February 13, 2004-- in order to produce those documents responsive to our request.

We do not believe our request to be "excessively burdensome or broad". Therefore, we fully expect that all responsive documents will be made available for our inspection by February 3rd, as required by the Act.

Ms. Fisher's reference to "our contractors' files" indicates that the State has let multiple contracts associated with the Navajo-San Juan River Federal Indian Water Rights Negotiation ["Negotiation"]. We are interested in particulars related to that contracting.

Pursuant to the Act we are now requesting that the following documents be made available for our inspection:

- 1) All contracts with individuals, firms or other parties employed by the State --or on behalf of the State by the United States-- to assist in the Negotiation.**
- 2) All invoices and payment records connected with the work of contractors employed by the State --or on behalf of the State by the United States-- in the**

**Negotiation.**

By virtue of its status as an agency of the State of New Mexico, the New Mexico State Engineer's Office and the Interstate Stream Commission are subject to New Mexico's Inspection of Public Records Act (NMSA 1978, Chapter 14, Article 2). Section 14-2-1 of this Act states that every person has a right to inspect any public records of this State save those which are specifically excepted. Section 14-2-8 sets forth the requirements for a written request to view such records and the requirement that the custodian of those records permit the inspection within fifteen (15) days or explain in writing, within three (3) business days after receipt of the request, when that request will be acted upon.

I look forward to your timely written reply in compliance with provisions of the New Mexico Inspection of Public Records Act as stated above.

Sincerely,

Steve Cone  
for "electors Concerned about Animas Water" -- CAW --  
1217 Chaco Avenue  
Farmington, New Mexico 87401

(505) 327-0743