

New Mexico Inspection of Public Records act request  
<bold><fontfamily><param>Arial</param><x-tad-smaller>ATTENTION: NEW  
MEXICO INSPECTION OF PUBLIC RECORDS ACT  
REQUEST</x-tad-smaller></fontfamily></bold><fontfamily><param>Arial</param><x-tad-sm  
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(transmitted electronically)

22 August 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

and

Jim Dunlap

Chairman

Interstate Stream Commission

Dear Mr. D'Antonio and Chairman Dunlap:

Notwithstanding recent public comments to the contrary by your attorney D.L. Sanders, for some twenty-three months now the State of New Mexico ["State"] has participated in the Navajo-San Juan River Federal Indian Water Rights Negotiation ["Negotiation"] with the Navajo Nation ["Tribe"] and the Navajo-San Juan River Federal Indian Water Rights Negotiation Team ["Team"], formally seeking to craft a settlement of the Tribe's claims to water from the San Juan River in New Mexico. During that time, despite numerous requests, no other entities, groups, parties of interest or individuals have been permitted to attend or participate in the Negotiation.

Last week on August 19, the New Mexico Interstate Stream Commission met and tabled any consideration of action on a Navajo settlement, pending further discussions, negotiations and the production of what would be a third revised draft. It is important for us, at this time, to know what communications regarding the Negotiation --if any-- have occurred between the State and our New Mexico Congressional delegates or their staff.

Therefore, we would like an opportunity to view

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</x-tad-smaller><b><x-tad-smaller>all documents related to the  
Negotiation which have been shared with members of New Mexico's  
Congressional delegation by the State -- specifically documents within  
the timeframe from March 17, 2004 to date, referencing any work of the  
Team or other efforts to effectuate a  
settlement</x-tad-smaller></b><x-tad-smaller>. Such documentation  
may include --but would not necessarily be limited to--  
</x-tad-smaller><b><x-tad-smaller>correspondence to or from  
officials and or staff of the New Mexico Interstate Stream  
Commission/Office of the State Engineer, or legal representatives or  
consultants employed by the State, and the following individuals:

- 1) Senator Bingaman and/or his staff, including Michael Connor
- 2) Senator Domenici and/or his staff, including Callie Gnatkowski and Anne Kathryn Claassen </x-tad-smaller></b><x-tad-smaller>

Additionally, we are concerned that certain interested parties not actually included in the Team's Negotiation may nonetheless have been provided information about the progress of the Negotiation through meetings or correspondence with the State. Therefore, we request an opportunity to view  
</x-tad-smaller><b><x-tad-smaller>correspondence and other  
documentation related to the Negotiation dated anytime from March 17, 2004 to date, to or from officials of the New Mexico Interstate Stream Commission, Office of the State Engineer, or counsel or consultants of the State and the following individuals, businesses, or public entities and/or their staff:

- 1) Mark Edwards
- 2) Daniel Israel
- 3) City of Gallup
- 4) Ute Mountain Ute Indian Tribe
- 5) Jicarilla Apache Nation
- 6) City of Albuquerque
- 7) San Juan Water Commission
- 8) Steag Power, LLC
- 9) Dine Power Authority
- 10) BHP Billiton

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- 11) City of Farmington
- 12) Bloomfield Irrigation District
- 13) San Juan Agricultural Water Users Association
- 14) The Navajo Nation
- 15) The United States Department of Justice
- 16) The United States Fish and Wildlife Service
- 17) The United States Bureau of Indian Affairs
- 18) The United States Bureau of Indian Affairs
- 19) The United States Bureau of Reclamation
- 20) The United States Department of the Interior
- 21) Colorado Water Conservation Board
- 22) New Mexico Northwest Council of Governments (NMCOG)
- 23) Elizabeth Newlin Taylor</x-tad-smaller></bold><x-tad-smaller>

By virtue of their status as agencies 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.

In your response to this request, please provide a comprehensive list of the documents being withheld as well as a list of the documents available for inspection.

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

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Sincerely,

Steve Cone

for "electors Concerned about Animas Water" -- CAW --

1217 Chaco Avenue

Farmington, New Mexico 87401

(505) 327-0743</x-tad-smaller></fontfamily>

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