## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

| UNITED STATES OF AMERICA                         | )   |
|--|---|
| and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, | )<br>)<br>)                                   |
| Plaintiffs,                                      | )<br>)<br>No. 01cv00072 BB/WDS                |
| and  | ) No. 01cv00072 BB/ WBS<br>) ZUNI RIVER BASIN |
| ZUNI INDIAN TRIBE, NAVAJO NATION,                | ) ADJUDICATION                                |
| Plaintiffs in Intervention,                      | )   |
| v.   | )   |
| A & R PRODUCTIONS, et al.                        | )   |
| Defendants.                                      | )<br>)  |

# NOTICE OF FILING PROOF OF SERVICE OF SUMMONS

The United States of America ("United States") hereby states that pursuant to Fed. R. Civ. P. 4(e) and (h) the following defendants were served with process in the above-captioned matter.

| <u>Defendant</u>  | Subfile No. | Date of Service |
|-------------------|-------------|-----------------|
|                   |             |                 |
| Grace Family, LLC | ZRB-1-0040  | August 19, 2008 |
| Marcia Lambson    | ZRB-4-0226  | August 20, 2008 |
| Preston Lambson   | ZRB-4-0226  | August 20, 2008 |
| Wade Murray       | ZRB-3-0118  | August 17, 2008 |
| Fronnie Murray    | ZRB-3-0118  | August 17, 2008 |
| Jane Mansperger   | ZRB-4-0323  | August 25, 2008 |
| Juana Billings    | ZRB-4-0043  | August 16, 2008 |

Dated: September 4, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER U.S. Department of Justice 1961 Stout Street - 8<sup>th</sup> Floor Denver, CO 80294 (303) 844-1359

COUNSEL FOR THE UNITED STATES

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 4, 2008, I filed the foregoing Notice of Filing Proof of Service of Summons electronically through the CM/ECF system, which caused CM/ECF participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Bradley S. Bridgewater

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New Mexico District of

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

A. & R. PRODUCTIONS, et al., Defendants.

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Grace Family LLC 2784 U.S. Route 7 Pittsford, VT 05763

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

**BRADLEY S. BRIDGEWATER** United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Matt Dykman

Monday, August 20, 2007

CLERK

Natalie A. Marez

(By) DEPUTY CLERK

## 

SAO 440 (Rev. 8/01) Summons in a Civil Action RETURN OF SERVICE DATE Service of the Summons and complaint was made by me<sup>(1)</sup> NAME OF SERVER (PRINT) TITLE Check one box below to indicate appropriate method of service ☐ Served personally upon the defendant. Place where served: ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: ☐ Returned unexecuted: \_\_\_\_ Other (specify): STATEMENT OF SERVICE FEES TRAVEL SERVICES TOTAL **DECLARATION OF SERVER** I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on Signature of Server Address of Server SEE ATTACHED AFFIDAVIT OF SERVICE

| 1        | UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO  |
|----------|--|
| 2        | UNITED STATES OF AMERICA, ET AL., Plaintiff / Petitioner  Cause #: 01CV00072-BB  |
| 3<br>4   | Affidavit of Service of:  vs. SUMMONS AND AMENDED COMPLAINT  |
| 5        | A. & R. PRODUCTIONS, ET AL.,  Defendant / Respondent  Hearing Date:  |
| 6<br>7   | Witness Fee Tendered:  |
| 8        | The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned, a citizen of the United States and over the age of eighteen, not an officer of a plaintiff |
| 9        | corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.                                  |
| 10       | On the date and time of 006 19, 2008 at the address of 2784 US R14, PH   |
| 11       | state of <u>Vermon f</u> , this affiant served the above described documents upon:   |
| 12       | GRACE FAMILY LLC   |
| 13       | Dersonal Service by then and there personally delivering true and correct copy(ies) thereof.   |
| 14       | Corporate Service  |
| 15<br>16 | by then and there personally delivering A true and correct copy(ies) thereof, by then presenting to and leaving the same with A James Grace Lague Wy. Officer  |
| 17       | Person Receiving Documents and Their Title   |
| 18       | by then and there personally delivering true and correct copy(ies) thereof, by then presenting to and leaving the same with  |
| 19       | a person of suitable age and discretion who stated the above address to be the residence and usual place of abode of themselves and the subject(s) and/or subjects legal representative listed above.              |
| 20       | No information was provided that indicates that the subjects served are members of the U.S. military.  |
| 21       | CJ Pritchard tritchard   |
| 22       | Typed or Printed Name of Process Server  Server Signature  |
| 23       | Subscribed and Sworn to before me this 14th Day of   |
| 24       | a Notary Public in the State of Vermont  |
| 26       | Residing at N. ( Wender, 1)  |
| 27       | Delever J. Bir   |
| 28       |  |



**ORIGINAL** PROOF OF SERVICE

U S Dept of Justice - Denver

Filed 09/04/2008

Page 7 of 25

◆AO 440 (Rev. 8/01) Summons in a Civil Action

| 1 | UNITED | STATES!  | DISTRICT | $C_{\Omega IRT}$ |
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District of New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

A. & R. PRODUCTIONS, et al., Defendants.

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Marcia Lambson 1577 Plaza West Dr., Suite A Prescott, AZ 86030

## YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

**BRADLEY S. BRIDGEWATER** United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Monday, August 13, 2007 CLERK DATE

(By) DEPUTY CLERK

| <u>∞AU 440 (</u> | (Rev. 8/01) Summons in a                      |                         | DETIIDN OF CERVICE  |
|------------------|---|-------------------------|---|
|                  |   | <del></del>             | RETURN OF SERVICE   |
|                  |   | plaint was made by me(1 | " 8-20-08 a 3:15pm  |
|                  | SERVER (PRINT)                                | 21/57 1                 | TITLE   |
| Check            | one box below to indi                         | cate appropriate meth   | hod of service  |
| 4                | Served personally up                          | on the defendant. Place | to 305 5685 Syphony DR  |
|                  | Left copies thereof at discretion then residi |                         | ing house or usual place of abode with a person of suitable age and   |
|                  | Name of person with                           | whom the summons an     | nd complaint were left:   |
|                  | Returned unexecuted                           | :                       |   |
|                  |   |                         |   |
|                  | Other (specify):                              |                         |   |
|                  | (specify).                                    |                         |   |
|                  |   |                         |   |
|                  |   |                         | ATEMENT OF SERVICE FEES   |
| TRAVEL           | $\mathscr{D}$                                 | SERVICES                | S TOTAL   |
|                  |   | D                       | DECLARATION OF SERVER   |
|                  | Executed on                                   | 20-08<br>Date           | Lacy Same Lacy Signature of Server  MSE COUDSWIN ST STEB  Address of Server  PLESCOH, AZ 810303 |
|                  |   |                         |   |

| 1                                | UNITED STATE DISTRICT COU  | RT, DISTRICT OF NEW MEXICO   |
|----------------------------------|--|--|
| 2                                | UNITED STATES OF AMERICA, ET AL., Plaintiff / Petitioner   | Cause #: 01CV00072-BB  |
| 3 4 5                            | vs.<br>A. & R. PRODUCTIONS, ET AL.,<br>Defendant / Respondent  | Affidavit of Service of: SUMMONS AND AMENDED COMPLAINT Hearing Date:   |
| 6<br>7<br>8<br>9                 | mentioned, a citizen of the United States and ove  | pm_ at the address of  |
| 12<br>13<br>14<br>15<br>16<br>17 | Personal Service by then and there personally delivering true  Corporate Service by then and there personally delivering true and leaving the same with  Substituted/Residential Service by then and there personally delivering true and leaving the same with  | and correct copy(ies) thereof, by then presenting to  Person Receiving Documents and Their Title  and correct copy(ies) thereof, by then presenting to |
| 19<br>20<br>21                   | a person of suitable age and discretion who stated of abode of themselves and the subject(s) and/or so the subject of abode of themselves and the subject of abode of themselves and the subject of suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and/or suitable age and discretion who stated of abode of themselves and the subject (s) and or suitable age and discretion who stated of abode of themselves and the subject (s) and or suitable age and discretion who stated of abode of the subject (s) and or suitable age and discretion who subject (s) and or suitable age and discretion who subject (s) and or suitable age and discretion who stated age and discretion who stated age and discretion who subject (s) and or subject (s) an | ,  |
| 22<br>23<br>24<br>25             | Subscribed and Sworn to before me this 8-21-4  All Jacobs A 120 0 A  |  |
| 26                               | Residing at 115 E BOODWIN C<br>PRESCOTT, AZ 86   | WILLIAM/FORTNER Notary Public - Arizona Yavapal County My Commission Expires MARCH 20, 2011  |



ORIGINAL PROOF OF SERVICE

| 1 | TAITTED | STATES.    | DISTRICT      | THIND      |
|---|---------|------------|---------------|------------|
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District of New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

A. & R. PRODUCTIONS, et al., Defendants.

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Preston Lambson 1577 Plaza West Dr., Suite A Prescott, AZ 86030

#### YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

**BRADLEY S. BRIDGEWATER** United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Monday, August 13, 2007

CLERK

(By) DEPUTY CLERK

| WAO 440 (    | Rev. a/or) Summons in a Civil                           | Action                         |  | <del></del>                    |             |
|--------------|---|--------------------------------|--|--------------------------------|-------------|
|              |   |                                | RETURN OF SERVICE  |                                |             |
|              | f the Summons and complain                              | t was made by me <sup>(1</sup> | " 8/20/08 @  | 3:15pm                         | _           |
|              | SERVER (PRINT)  | ١                              | TITLE SERVER   |                                |             |
|              | one box below to indicate                               |                                |  |                                | <del></del> |
| <b>\Z</b>    | Served personally upon the PRESCO H, A                  | e defendant. Place<br>Z 8632   | te where served: <u>57685 S</u>  | ythory OR                      |             |
|              | Left copies thereof at the discretion then residing the |                                | ing house or usual place of abode with   | n a person of suitable age and |             |
|              | Name of person with who                                 | m the summons an               | nd complaint were left:  |                                |             |
| 0            | Returned unexecuted:                                    |                                |  |                                |             |
|              |   |                                |  |                                |             |
|              | Other (specify):  |                                |  |                                |             |
|              |   |                                |  |                                |             |
| <del>.</del> |   | STA                            | ATEMENT OF SERVICE FEES  |                                |             |
| TRAVEL       | Ø   | SERVICES                       | 3  | TOTAL                          |             |
|              |   | D                              | ECLARATION OF SERVER   |                                |             |
|              | ontained in the Return of Se<br>executed on             | <u>108/</u>                    | Int of Service Fees is true and correct.  Frace Some Signature of Server  15 E Goodwing.  Address of Server  Prescott AZ | pal                            |             |
|              |   |                                |  |                                |             |

| 1                                       | UNITED STATE DISTRICT COU  | RT, DISTRICT OF NEW MEXICO   |
|---|--|--|
| 2                                       | UNITED STATES OF AMERICA, ET AL.,<br>Plaintiff / Petitioner  | Cause #: 01CV00072-BB  |
| 3<br>4<br>5<br>6                        | vs.<br>A. & R. PRODUCTIONS, ET AL.,<br>Defendant / Respondent                                      | Affidavit of Service of: SUMMONS AND AMENDED COMPLAINT  Hearing Date: Witness Fee Tendered:  |
| 7<br>8<br>9<br>.0                       | mentioned, a citizen of the United States and over   | ESWH, county of YAVAPRI,   |
| .2                                      | PRESTON LAMBSON  | •  |
| .3 .4<br>.4 .5<br>.6 .7 .8<br>.9 .9 .20 | and leaving the same with  | and correct copy(ies) thereof, by then presenting to  Person Receiving Documents and Their Title  and correct copy(ies) thereof, by then presenting to the above address to be the residence and usual place subjects legal representative listed above. |
| 22                                      | Nyped or Printed Name of Process Server  | Server Signature   |
| 23                                      | Subscribed and Sworn to before me this 8-21-   | 08   |
| 24                                      | a Notary Public in the State of A 12001  |  |
| 26                                      | a Notary Public in the State of <u>ARTZONA</u> Residing at <u>//5 E GOOWIN S</u> PRESCOTT, AZ 8638 |  |
| 28                                      |  |  |



**ORIGINAL** PROOF OF SERVICE

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District of

New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

V. A. & R. PRODUCTIONS, et al., Defendants.

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Wade Murray 8977 Glen Alder Sacramento, CA 95826

### YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BRADLEY S. BRIDGEWATER United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Matt Dykman

Wednesday, August 08, 2007

CLERK

(By) DEPUTY CLERK

|           | R   | RETURN OF SERVICE   |
|-----------|---|---|
| Service o | of the Summons and complaint was made by me(1)  | DATE  |
|           | SERVER (PRINT)  | TITLE   |
|           | <u> </u>  |   |
| Check     | one box below to indicate appropriate method  | d of service  |
|           | Served personally upon the defendant. Place w   | where served:   |
|           | Left copies thereof at the defendant's dwelling discretion then residing therein.                             | house or usual place of abode with a person of suitable age and   |
|           | Name of person with whom the summons and c  | complaint were left:  |
|           |   |   |
| П         | Other (specify):  |   |
| ٥         | Cator (specify).  |   |
|           | STATE   | EMENT OF SERVICE FEES   |
| AVEL      | SERVICES  | TOTAL   |
|           |   |   |
| co        | · · · · · · · · · · · · · · · · · · ·   | the laws of the United States of America that the foregoing information of Service Fees is true and correct.                    |
|           | I declare under penalty of perjury under to national in the Return of Service and Statement of                | the laws of the United States of America that the foregoing information of Service Fees is true and correct.                    |
|           | I declare under penalty of perjury under to the national statement of Service and Statement of Secuted on     | the laws of the United States of America that I   |
|           | I declare under penalty of perjury under to the intained in the Return of Service and Statement of Secuted on | the laws of the United States of America that the foregoing information of Service Fees is true and correct.                    |
|           | I declare under penalty of perjury under to the intained in the Return of Service and Statement of Secuted on | the laws of the United States of America that the foregoing information of Service Fees is true and correct.  Statute of Server |
|           | I declare under penalty of perjury under to intained in the Return of Service and Statement of Secuted on     | the laws of the United States of America that the foregoing information of Service Fees is true and correct.  Statute of Server |
|           | I declare under penalty of perjury under to intained in the Return of Service and Statement of Secuted on     | the laws of the United States of America that the foregoing information of Service Fees is true and correct.  Statute of Server |
|           | I declare under penalty of perjury under to intained in the Return of Service and Statement of Secuted on     | the laws of the United States of America that the foregoing information of Service Fees is true and correct.  Statute of Server |

# IN THE UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO: 01CV00072-BB

vs. A. & R. PRODUCTIONS, ET AL., AFFIDAVIT OF SERVICE OF:

SUMMONS; AMENDED COMPLAINT

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 17th day of August, 2008, at 10:14 AM, at the address of 8977 GLEN ALDER, SACRAMENTO, Sacramento County, CA 95826; this affiant served the above described documents upon WADE MURRAY, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with WADE MURRAY, NAMED DEFENDANT, A white male approx. 55-65 years of age 5'4"-5'6" in height weighing 160-180 lbs with black hair.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

DATED this 18th day of August, 2008.

Mike Singh, Reg. # 2000-002, Sacramento, CA

SUBSCRIBED AND SWORN to before me this 18th day of August, 200

COMM. # 1799846
PLACER COUNTY
COMM. EXPIRES MAY 31, 2012

TIFFANY RAE GOUCHE

NOTARY PUBLIC in and for the State of California
Residing at: (1000) (21,602)

My Commission Expires: 5|3| 2012

FOR: U S Dept of Justice - Denver

ORIGINAL PROOF OF SERVICE

Tracking #: **5657837** SEA

| 1 | [ INITED | STATES! | DISTRICT | $C \cap \mathbf{RT}$ |
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District of New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

V. A. & R. PRODUCTIONS, et al., Defendants.

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Fronnie Murray 8977 Glen Alder Sacramento, CA 95826

#### YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

**BRADLEY S. BRIDGEWATER** United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Wednesday, August 08, 2007

CLERK

(By) DEPUTY CLERK

SAO 440 (Rev. 8/01) Summons in a Civil Action RETURN OF SERVICE DATE Service of the Summons and complaint was made by me(1) NAME OF SERVER (PRINT) TITLE Check one box below to indicate appropriate method of service ☐ Served personally upon the defendant. Place where served: ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: ☐ Returned unexecuted: \_\_\_\_\_ ☐ Other (specify): \_\_\_\_\_ STATEMENT OF SERVICE FEES TRAVEL SERVICES TOTAL **DECLARATION OF SERVER** I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on \_\_\_\_\_ Signature of Server Address of Server SEE ATTACHED AFFIDAVIT OF SERVICE

Jeral Rules of Civil Procedure

#### IN THE UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO: 01CV00072-BB

A. & R. PRODUCTIONS, ET AL.,

AFFIDAVIT OF SERVICE OF:

SUMMONS; AMENDED COMPLAINT

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 17th day of August, 2008, at 10:14 AM, at the address of 8977 GLEN ALDER, SACRAMENTO, Sacramento County, CA 95826; this affiant served the above described documents upon FRONNIE MURRAY, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with FRONNIE MURRAY, NAMED DEFENDANT, A white female approx. 55-65 years of age 5'6"-5'8" in height weighing 140-160 lbs with brown hair.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

DATED this 18th day of August, 2008.

Mike Singh, Reg. # 2000-002, Sacramento, CA

SUBSCRIBED AND SWORN to before me this 18th day of August, 2008

UBLIC in and for the State of California Residing at:

My Commission Expires

FOR: U S Dept of Justice - Denver ORIGINAL PROOF OF **SERVICE** 

TIFFANY RAE GOUCHER COMM. # 1799846 OTARY PUBLIC - CALIFORNIA PLACER COUNTY OMM. EXPIRES MAY 31, 2012



Tracking #: 5657838 SEA

| I | MITED | STATES         | DISTRICT | $C_{\Omega}$ |
|---|-------|----------------|----------|--------------|
|   |       | 13 L /4 L D./3 | 1213131. |              |

District of

New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

A. & R. PRODUCTIONS, et al., Defendants.

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Jane Mansperger 1222 E. Baseline Rd., Suite 200 Tempe, AZ 85283

## YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BRADLEY S. BRIDGEWATER United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Monday, August 13, 2007

CLERK

Natelie A. Marez

(By) DEPUTY CLERK

|             |   | Rì                              | ETURN OF SERVICE  |                  |                                 |
|-------------|---|---------------------------------|---|------------------|---------------------------------|
| vice o      | of the Summons and complaint was made   | de by me <sup>(1)</sup>         | DATE  |                  |                                 |
|             | SERVER (PRINT)  |                                 | TITLE   | <del></del> -    | <del></del>                     |
|             | <u> </u>  | i                               |   |                  |                                 |
| <u>heck</u> | one box below to indicate appropri  | iate method                     | of service  |                  |                                 |
|             | Served personally upon the defenda  | ant. Place w                    | rhere served:   |                  | <del></del>                     |
|             | Left copies thereof at the defendant discretion then residing therein.                | t's dwelling l                  | house or usual place of abode   | with a person of | f suitable age and              |
|             | Name of person with whom the sun  | nmons and c                     | complaint were left:  |                  |                                 |
| <b>-</b>    | Returned unexecuted:  |                                 |   |                  |                                 |
|             |   |                                 |   |                  |                                 |
| П           | Other (specify):  |                                 |   |                  |                                 |
|             |   |                                 |   |                  |                                 |
|             |   | CT ATE                          | TRADEM OF CONTROP OF  |                  |                                 |
| ÆL.         | <u></u>   |                                 | EMENT OF SERVICE FE   | ES               | TOTAL                           |
|             | I declare under penalty of per<br>ontained in the Return of Service and               | DEC                             | LARATION OF SERVER  | f America that t | TOTAL  he foregoing information |
| co          | I declare under penalty of per  | DEC rjury under t               | LARATION OF SERVER  | f America that t |                                 |
| co          | I declare under penalty of per<br>ontained in the Return of Service and               | DEC rjury under t I Statement o | CLARATION OF SERVER the laws of the United States of Service Fees is true and corrections of Server | f America that t |                                 |
| co          | I declare under penalty of per<br>ontained in the Return of Service and               | DEC rjury under t I Statement o | CLARATION OF SERVER<br>the laws of the United States of<br>the Service Fees is true and corr        | f America that t |                                 |
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| A088 (Rev. 12/06) Suppoena in a                    | 0072-BB-WDS      | Document        | 1852         | Filed 09/04/2008                        | Page 21 of 25              |
|--|------------------|-----------------|--------------|---|----------------------------|
| ,  |                  | PROOF OF        | CEDVI        | CE.                                     | <u>-</u>                   |
|  | DATE             |                 | PLACE        | CE                                      |                            |
| SERVED   | 08/25/08 - 14:18 |                 |              | E BASELINE RD STE 20<br>PE AZ 85283     | 00                         |
| SERVED ON (PRINT NAME)                             |                  |                 | MAN          | NER OF SERVICE                          |                            |
| JANE MANSPERGER                                    |                  |                 | PERS         | ONAL                                    |                            |
| SERVED BY (PRINT NAME)                             | \                |                 | TITL         | .E                                      |                            |
| RICH KINGDON                                       |                  |                 |              | ONA PROCESS SERVER<br>COPA COUNTY #7238 | ₹                          |
|  | D                | ECLARATIO       | N OF SE      | ERVER                                   |                            |
| I declare under penalty in the Proof of Service is |                  | aws of the Unit | ed States    | s of America that the foreg             | oing information contained |
| Executed on  | 08/25/08<br>DATE |                 | SIGN         | NATURE OF SERVER                        |                            |
|  |                  |                 | (for)<br>ADD | ABC LEGAL SERVICES<br>PRESS OF SERVER   | / PFI                      |
|  |                  |                 | 633          | YESLER WAY, SEATTLE                     | , WA 98104                 |

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held:

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpocna to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpocna that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

#### IN THE

#### UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO: 01CV00072-BB

A. & R. PRODUCTIONS, ET AL.,

AFFIDAVIT OF SERVICE OF:

SUMMONS AND AMENDED COMPLAINT

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 25th day of August, 2008, at 2:18 PM, at the address of 1222 E BASELINE Road SUITE 200, TEMPE, Maricopa County, AZ 85283; this affiant served the above described documents upon JANE MANSPERGER, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with JANE MANSPERGER, NAMED DEFENDANT, A white female approx. 45-55 years of age with blonde hair.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

DATED this 25th day of August, 2008.

Rich Kingdon, Reg. # 7238, Maricopa, AZ

SUBSCRIBED AND SWORN to before me this 25th day of August, 2008

NOTARY PUBLIC in and for the State of Arizona Residing at: MANICOPO CM

Residing at: MARICOPA

My Commission Expires

FOR: U S Dept of Justice - Denver ORIGINAL PROOF OF SERVICE

Michael P. Tannery **Notary Public - Arizona** Maricopa County Commission Expires August 22, 2010



Tracking #: 5657817 SEA

| T | IMITED  | STATES! | DISTRICT | COURT |
|---|---------|---------|----------|-------|
| ι | JINLLED | OTATEOT | DISTRICT | COUNT |

District of

New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

A. & R. PRODUCTIONS, et al., Defendants.

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Juana M. Billings 5850 Seanifer Dr Tuscon, AZ 85741-5252

#### YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BRADLEY S. BRIDGEWATER United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Thursday, August 09, 2007

CLERK

(By) DEPUTY CLERK

|                        | R   | ETURN OF SERVICE                               | -                         |
|------------------------|---|--|---------------------------|
| Service of             | the Summons and complaint was made by me(1)                                       | DATE   |                           |
| NAME OF SERVER (PRINT) |   | TITLE  |                           |
| Check o                | one box below to indicate appropriate method                                      | l of service                                   |                           |
|                        | Served personally upon the defendant. Place v                                     | vhere served:                                  |                           |
| 0                      | Left copies thereof at the defendant's dwelling discretion then residing therein. | house or usual place of abode with a person of | of suitable age and       |
|                        | Name of person with whom the summons and  | complaint were left:                           | <del></del>               |
|                        | Returned unexecuted:  |  |                           |
|                        | Other (specify):  |  |                           |
|                        |   |  |                           |
| TRAVEL                 | STAT<br>  SERVICES  | EMENT OF SERVICE FEES                          | TOTAL                     |
|                        |   | CLARATION OF SERVER                            |                           |
|                        | DE  | CLARATION OF SERVER                            |                           |
|                        | ontained in the Return of Service and Statement                                   |  | the foregoing information |
|                        | Date Sig  | nature of Server                               |                           |
|                        |   |  |                           |
|                        | Add   | dress of Server                                |                           |
|                        |   |  |                           |
|                        | SEE ATTACHED AFFIDA   | VIT OF SERVICE                                 |                           |
|                        |   |  |                           |

# IN THE UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO: 01CV00072-BB

AFFIDAVIT OF SERVICE OF:

SUMMONS AND AMENDED COMPLAINT

A. & R. PRODUCTIONS, ET AL.,

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 16th day of August, 2008, at 12:30 PM, at the address of CCS SYSTEMS, 5850 SEANIFER Drive, TUCSON, Pima County, AZ 85741; this affiant served the above described documents upon JUANA M. BILLINGS, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with JUANA M. BILLINGS, NAMED DEFENDANT, A Hispanic female approx. 45-55 years of age 5'2"-5'4" in height weighing 120-140 lbs.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

DATED this 19th day of August, 2008.

GEORGE C MEW, Reg. # 285, PIMA, AZ

SUBSCRIBED AND SWORN to before me this 19th day of August, 2008

NOTARY PUBLIC in and for the State of Arizona

Residing at:

My Commission Expires:

FOR: U S Dept of Justice - DenverORIGINAL Tracking #: PROOF 5657864 SEA

OFFICIAL SEAL SERVICE PUBLIC STATE OF ARIZONA PIMA COUNTY My Comm, Expires April 24, 2010