

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

UNITED STATES OF AMERICA, for Itself  
and as Trustee for the Zuni Indian Tribe, Navajo  
Nation and Ramah Band of Navajos  
and  
STATE OF NEW MEXICO, ex rel. STATE  
ENGINEER,

Plaintiffs,

and

ZUNI INDIAN TRIBE,  
NAVAJO NATION,

Plaintiffs in Intervention,

v.

STATE OF NEW MEXICO COMMISSIONER  
OF PUBLIC LANDS,  
and  
A & R PRODUCTIONS, et. al.,

Defendants.

**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**Subfile No: ZRB-4-0116**

**NOTICE THAT THE CONSULTATION PERIOD HAS ENDED**

Pursuant to the Special Master's Procedural and Scheduling Orders, the United States of America ("United States"), with the concurrence of the State of New Mexico ex rel. State Engineer ("State"), hereby notifies SAGE GRAE MERRILL & PAUL DAVIS SURVIVORS TRUST DATED JULY 28, 2003 & KRISTI DAVIS & PAMELA DAVIS & ANITA DAVIS SCHAFER that the consultation period for Subfile No. ZRB-4-0116 has ended. **Within twenty (20) days of the date of service of this notice, SAGE GRAE MERRILL & PAUL DAVIS SURVIVORS TRUST DATED**

**JULY 28, 2003 & KRISTI DAVIS & PAMELA DAVIS & ANITA DAVIS**

**SCHAFFER must either:**

- 1. sign and accept the last Consent Order offered by the United States and the State for Subfile No. ZRB-4-0116 and return the entire Consent Order to counsel for the United States, OR**
- 2. file with the Court and serve on counsel for the United States and for the State a Subfile Answer.**

A form Subfile Answer is provided with this notice. You may use the provided form or prepare your own Subfile Answer. However, in order to satisfy the Court's requirements, your Subfile Answer must:

1. provide the caption and civil action number of this case (No. 01cv00072-BB) and identify the subfile by the subfile number (ZRB-4-0116),
2. explain your reasons for disagreeing with the Consent Order offered for the subfile by the United States and the State,
3. include a statement that you have made a good faith effort to consult with and resolve the disagreement with the United States and the State, and
4. be properly filed with the Clerk of Court and served by mailing a copy to both counsel for the United States and counsel for the State.

**Failure to properly sign and return the last-offered Consent Order or file and serve a Subfile Answer within twenty (20) days of service of this Notice shall**

**be considered grounds for entry of a default order incorporating the terms jointly proposed by the United States and the State.**

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

(approved 9/20/2010)  
EDWARD BAGLEY  
Office of the State Engineer, Legal Division  
P.O. Box 25102  
Santa Fe, NM 87504  
(505) 827-6150

COUNSEL FOR THE STATE OF NEW  
MEXICO EX REL. STATE ENGINEER

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on September 20, 2010, I filed the foregoing *Notice That the Consultation Period Has Ended* electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that on such date I served the foregoing, together with a form Subfile Answer, by first class U.S. mail on counsel for the Defendant.

\_\_\_\_\_/s/\_\_\_\_\_  
Bradley S. Bridgewater