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,)	
)	
Plaintiffs,)	
)	No. 01cv00072 BB-ACE
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	Sub-Areas 4 & 8
)	
V.)	Subfiles listed on Exhibit A
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	

MOTION TO EXTEND TIME FOR PERSONS SERVED WITH A SUMMONS TO FILE SUBFILE ANSWERS

The Plaintiff United States of America ("United States") hereby moves the Special Master to extend to 20 days after service of a summons and the Amended Complaint, the deadline for filing answers established by the September 8, 2005, *Amended Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System* ("Amended Procedural and Scheduling Order") (Doc. No. 387), with respect to the Subfiles listed on Exhibit A hereto. In support of this motion the United States asserts:

1. Paragraphs III.B.2, III.C.2, and III.C.3 of the Amended Procedural and Scheduling Order, establish January 10, 2006 as the date by which defendants in all subfiles in

Sub-areas 4 and 8 must either sign and return consent orders proposed by the United States and the State of New Mexico ex rel State Engineer ("State"), or file a form answer with the Court.

- 2. Service packets complying with the Amended Procedural and Scheduling Order have been delivered to the defendants listed on Exhibit A, or their counsel of record, as evidenced by the returned certified mail receipts, included in Exhibit B hereto. These defendants have had ample time to consider the terms the United States and the State have proposed for resolution of their water rights by means of a consent order. However, one or more defendants in each listed subfile have failed to waive service of process. In consequence, the United States must incur additional expense and delay to employ process servers in seven different states to serve these defendants. The United States expects this task to be completed by January 10, 2006. However, for purposes of consistency with Fed.R.Civ.P. 12(a)(1)(A) these defendants should be given 20 days after service of a summons and the *Amended Complaint* within which to accept the consent order proposed for their subfile or file a subfile answer.
- 3. Defendants listed on Exhibit A with respect to Subfiles ZRB-1-0005, ZRB-1-0018, ZRB-1-0062, and ZRB-1-0122 have returned *Request for Consultation* forms, or have even improperly mailed form *Answers* to the United States that they have not filed with the Court, despite failing to waive service of process. It may be possible to negotiate a resolution of these individual's objections to the consent orders proposed for their subfiles. However, as with all other defendants listed on Exhibit A, in order to ensure that these individuals are properly subject to the Court's personal jurisdiction and Orders, it is essential to serve them with process before taking any other action to resolve their subfiles.

Accordingly, the United States respectfully urges the Special Master to extend, to 20 days after service of a summons and the Amended Complaint, the deadline for filing answers established by the Amended Procedural and Scheduling Order, with respect to each of the Subfiles listed on Exhibit A.

DATED: December 15, 2005

Respectfully submitted,

BRADLEY S. BRIDGEWAYER

U.S. Department of Justice 999 18th St., Suite 945 North

Denver, CO 80202 (303) 312-7318

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that, on December 15, 2005, a copy of the forgoing *Motion To*Extend Time For Persons Served With A Summons To File Subfile Answers was mailed to the following persons.

Brull J. Birlants

Special Master Vickie L. Gabin U.S. District Court District of New Mexico P.O. Box 2384 Santa Fe, NM 87504-2384

Karla McCall, Data Manager 1315 Sagebrush Dr. S.W. Los Lunas, NM 87031

Edward Bagley Office of the State Engineer, Legal Division P.O. Box 25102 Santa Fe, NM 87504

Tanya L. Scott Law & Resource Planning Associates, P.C. 201 Third St., NW, Suite 1370 Albuquerque, NM 87102

Exhibit A

Subfile No.	Defendant Name(s)
ZRB-1-0117	Dan Allen
ZRB-1-0001	Virginia Aragon & Jack Aragon
ZRB-1-0003	Randall J. Barrow & Connie E. Barrow
ZRB-1-0005	Battle Wolf Trust, Ronnald Porath & Marzella Porath
ZRB-1-0008	Bill Campbell Agency
ZRB-1-0011	Alice Bond
ZRB-1-0116	Roland Carter & Isabelle Carter
ZRB-1-0018	Don Cator
ZRB-1-0022	Cibola Trail
ZRB-1-0023	Lawrence Clawson
ZRB-1-0028	Ann Heath & Richard Heath
ZRB-1-0120	Daniel Cravens & Pamela Cravens
ZRB-1-0120	Marvin Kortum & Teresa Kortum
ZRB-1-0031	Robert Dunnington & Jean Dunnington
ZRB-1-0050	Robert C. Keenan & Lance M. Keenan
ZRB-1-0122	Gary MacDonald & Jacqueline MacDonald
ZRB-1-0061	Peter Mayne & Susan Mayne
ZRB-1-0062	George W. McBeath & Mary Ann McBeath
ZRB-1-0064	Walter Lee Meech & Vicki J. Meech
ZRB-1-0067	Gene Mirabal & Vera Mirabal
ZRB-1-0070	Eusebio Montoya, Jr.
ZRB-1-0071	Freddie E. Montoya & Linda Montoya
ZRB-1-0125	Irvin and Patricia Pablo Trust
ZRB-1-0082	Jean Proper
ZRB-1-0086	Daniel Rehberg & Magdalena Anaya Rehberg

ZRB-1-0129	John F. Semerau
ZRB-1-0093	Richard A. Sheets Jr. & Michael J. Sheets & Steven D. Sheets
ZRB-1-0097	Cynthia Lee Lemons Spencer

EXHIBIT B CERTIFIED MAIL RECEIPTS

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse 	A Signature A Signature Agent Addressee
so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name) C. Date of Delivery
1. Article Addressed to:	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
Dan Allen	
2023 E. Simsway, #372	<u> </u>
Port Townsend, WA 98368	3. Service Type Certified Mail
	4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) 7005	1160 0005 3392 6695
PS Form 3811, February 2004 Domestic R	eturn Receipt 102595-02-M-1540
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Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse	A. Signature Agent Addressee
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Article Addressed to:	D. Is delivery address different from item 1?
Virginia and Jack Aragon 750 Oso Ridge	
Grants, NM 87020	
2-33.25, 2.11, 2.7, 0.20	3. Service Type Certified Mall Express Mail Registered Return Receipt for Merchandise
	Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee) Yes
Article Number	
(Transfer from service label) 7 0 0 5 1 1	an and an an are and
S Form 3811, February 2004 Domestic Ret	um Receipt 102595-02-M-1540
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ENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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Article Addressed to:	D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
Randall J. and Connie E. Barrow 6821 Oak Cluster Dr.	
Greenwall, LA 70739	Lo. Cardeo Tires
Growin and Transport	3. Service Type Certified Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.
	4. Restricted Delivery? (Extra Fee)
Article Number 7005 116	0 0005 3392 5834

Domestic Return Receipt

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Complete items 1, 2, and 3. Also complete	A. Signature
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	in 125, enter delivery address below.
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10537 Calle Alba NW	
Albuquerque, NM 87114	
Sa. Visit	3. Service Type ☐ Certified Mail ☐ Express Mail
	☐ Registered ☐ Return Receipt for Merchandise
	☐ Insured Mail ☐ C.O.D.
· · · · · · · · · · · · · · · · · · ·	4. Restricted Delivery? (Extra Fee) ☐ Yes
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. , , , , , , , , , , , , , , , , , , ,	If YES, enter delivery address below: 12 No. 5345 W. Com INC W. E. 14307
Bill Campbell Agency, Inc.	
•	ALBQ 87/09
5341 Wyoming Blvd. NE St.	
Albuquerque, NM 87109	3. Service Type
	☐ Certified Mall ☐ Express Mall ☐ Requistered ☐ Return Receipt for Merchandise
	☐ Insured Mail ☐ C.O.D.
	4. Restricted Delivery? (Extra Fee) ☐ Yes
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2. Article Number (Transfer from service label) 7005 1160 0005 3392 5896

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Scottsdale, AZ 85251	
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Ramah, NM 87321	Left 1
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Jack Cole and			
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350 Oso Ridge Rt.		3. Service Type	
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P.O. Box 9	.1		
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Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete	ASignature
item 4 if Restricted Delivery is desired. Print your name and address on the reverse	X Robert C. Leenan Agent
so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name) C. Date of Delivery Robert C. Reenow D 24 K
1. Article Addressed to:	D. Is delivery address different from 1?
Debaut and Lauisa Wassass	וו יטע /יי
Robert and Lanice Keenan	(5(24))
Hc 61, Box 5052	2005
Ramah, NM 87321	3. Service Type USP?
	☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.
	4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number 7 🗆 5	1160 0005 3392 6183
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ENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete	A. Signature
item 4 if Restricted Delivery is desired.	X How Market Agent Addressee
Print your name and address on the reverse so that we can return the card to you.	B. Received by (Printed Name) C. Date of Delivery
Attach this card to the back of the mailpiece, or on the front if space permits.	CARRY MACDOWAY 10-3-02
. Article Addressed to:	D. is delivery address different from item 1? Yes If YES, enter delivery address below:
. Afticie Addressed to.	If 1E3, enter delivery address poless.
#	.
Gary & Jacqueline Macdonald	
9201 Marsh Rd.	3. Service Type
Algonac, MI 48001	Certified Mail
	Registered Return Receipt for Merchandise
	4. Restricted Delivery? (Extra Fee)
2. Article Number 7005	1160 0005 3392 6602
(Transfer from service label)	
PS Form 3811, February 2004 Domestic Re	eturn Receipt 102595-02-M-1540
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete	A. Signature
Item 4 if Restricted Delivery is desired. Print your name and address on the reverse	X Sus Mark D Addressee
so that we can return the card to you.	B. Received by (Printed Name) C. Date of Delivery
Attach this card to the back of the mailpiece, or on the front if space permits.	SUSAN May 16 10-03-05
Article Addressed to:	D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
	II I I I I I I I I I I I I I I I I I I
Sept.	^
Peter Mayne	H. VQQ
Hc 61 Box 5032	Lo Garden Erro
Ramah, NM 87321	3. Service Type Certified Mail Express Mail
	☐ Registered ☐ Return Receipt for Merchandise
	☐ Insured Mail ☐ C.O.D.
	4. Restricted Delivery? (Extra Fee)
2. Article Number 7 🗍 🗎	5 1160 0005 3392 6152
from the contract of the contr	

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the revers so that we can return the card to you. Attach this card to the back of the mailpied or on the front if space permits. 	е	A. Signature X. Sec. Mush Addressee B. Received by (Printed Name) C. Date of Delivery C. A.
1. Article Addressed to: Gene & Vera Mirabal		D. Is delivery address different from the 12 Mars If YES, enter delivery address below:
P.O. Box 2983 Milan, NM 87021		3. Service Type Certified Mall Registered Insured Mail C.O.D. C.O.D. Express Mail C.O.D. Yes
Article Number (Transfer from service label)	7005	1160 0005 3392 6121
PS Form 3811, February 2004 Don	nestic Re	rurn Receipt 102595-02-MR1540
 SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the revers so that we can return the card to you. Attach this card to the back of the mailpied or on the front if space permits. Article Addressed to: 	e e	A. Signature X. A. Signature D. Received by (Printed Name) D. Is delivery address different from item in the second of the se
Freddie E. and Linda Montoya P.O. Box 1168 Grants, NM 87020	Balance	3. Service Type Certified Mail Registered Insured Mail C.O.D.
2. Article Number	700	4. Restricted Delivery? (Extra Fee) Yes
(<i>Transfer from service label</i>) PS Form 3811, February 2004 Don		5 1160 0005 3392 6114 urn Receipt 102595-02-M-1540
	1	
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece or on the front if space permits.	- 15	A. Signature X Aul All Agent Addressee B. Received by (Printed Name) C. Pate of Delivery Cancel Cabbare 130 S
Daniel Rehberg 9705 Sombrero Loop NE Albuquerque, NM 87113		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
Albuqueique, 19191 6/113	:	3. Service Type Certified Mail Registered Insured Mail C.O.D.
. Article Number	7009	4. Restricted Delivery? (Extra Fee) ☐ Yes 5. 1.1.6.0 0005 3392 6077

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address or the reverse 	, e	A. Signature
so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	2	B. Received by (Printed Name) C. Date of Delivery
1. Article Addressed to:		D. Is delivery address different from item 1?
and the second of the second o		
John F. Semerau 35 Thomas Dr.		THOW I 7 200s
Mill Valley, CA 94941	<u> </u>	3. Service Type
		Certified Mail
		4. Restricted Delivery? (Extra Fee)
2. Article Number 7 [05	1160 0005 3392 6671
PS Form 3811, February 2004 Domest	ic Ret	urn Receipt 102595-02-M-1540
	=-	
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete		A. Signature
item 4 if Restricted Delivery is desired.		X R. O. Oheet Addressee
Print your name and address on the reverse so that we can return the card to you.		B. Received by (Printed Name) C. Date of Delivery
Attach this card to the back of the mailpiece,		Richard Sheets 10605
or on the front if space permits.		D. Is delivery address different from Item 1? Yes
1. Article Addressed to:	H	If YES, enter delivery and the below: No
Richard Sheets	٦.	
		(0) (3) (2) (0)
200 Oso Ridge Rte	l.	5 8/8
Grants, NM 87020	<u>-</u> -	3. Service Type
	:	3. Service Type Certified Mail Express Mail Registered Receipt for Merchandise
		☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.
(A)		4. Restricted Delivery? (Extra Fee)
2. Article Number	116	0 0005 3392 6442
2. Article Number 7 🗆 5	71710	0 8003 3372 0
PS Form 3811, February 2004 Domest	ic Reti	urn Receipt 102595-02-M-1540
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete		A. Signature
item 4 if Restricted Delivery is desired.	- 11	X Cylling Long Addressee
Print your name and address on the reverse so that we can return the card to you.	- [[/ Addressee
Attach this card to the back of the mailpiece,	K	B. Received by (Printed Name) C. Date of Delivery
or on the front if space permits.	- 2	D. Is delivery address different from item 1? ☐ Yes
1. Article Addressed to:		If YES, enter delivery address below:
and the second s	1	
Cynthia Spencer	A	
6250 Shug Road		
Greenwood, FL 32443		3. Service Type
		Certified Mail Express Mail
		☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.
•		4. Restricted Delivery? (Extra Fee)
2. Article Number 7005 (Transfer from service label)	11	60 0005 3392 6466

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Charles T. Dumars	A. Signature X
Christina Bruff DuMars Vanya L. Scott Law & Resource Planning Associates 201 Third St., N.W. #1750 Albuquerque, NM 87102	3. Service Type Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee)
2. Article Number 7005 (Transfer from service label)	3 1160 0005 3392 6213
S Form 3811, February 2004. Domest	ic Return Receipt 102595-02-M-154
	o rocali recopt
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X Agent B. Received by (Printed Name) C. Date of Deliver
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece.	A. Signature X Agent B. Received by (Printed Narge) C. Date of Deliver
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Charles T. Duffars Christina Bruff Duffars Tanya L. Scott Resource Planning Association of the complete items of the complete items.	A. Signature X
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Charles T. Duffars Christina Bruff Duffars Tanya L. Scott	A. Signature X
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Charles T. Duffars Christina Bruff Duffars Christina Bruff Duffars Tanya L. Scott Resource Planning Associ 201 Third St., N.W., #1750 Albuquerque, NM 87102	A. Signature X
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Charles T. Duffars Christina Bruff Duffars Tanya L. Scott Resource Planning Association 201 Third St., N.W., #1750 Albuquerque, NM 87102	A. Signature X