IN THE UNITED STATES DISTRICT COURT FILED WITH FOR THE DISTRICT OF NEW MEXICODSTRICT OF NEW M

| | | 06 JUN 30 AM 10: 33 |
|---------------------------------------|---------------------------------------|----------------------|
| UNITED STATES OF AMERICA |) | |
| and |) | CLERK-ALBUQUERQUE |
| STATE OF NEW MEXICO, ex rel. STATE |) | OLLINI LOVGOLI GOL |
| ENGINEER, |) | |
| · |) | |
| Plaintiffs, | j | |
| · |) | No. 01cv00072 BB-ACE |
| and |) | |
| | í | ZUNI RIVER BASIN |
| ZUNI INDIAN TRIBE, NAVAJO NATION, | Ś | ADJUDICATION |
| · · · · · · · · · · · · · · · · · · · | í | |
| Plaintiffs in Intervention, | í | Subarea 3 |
| - , <u>- ,</u> , | Ś | |
| v. | í | |
| | í | |
| A & R PRODUCTIONS, ct al. | Ś | |
| The Refreshortorio, or all | , , | |
| Defendants. | , , , , , , , , , , , , , , , , , , , | |
| Defendants. | , | |
| | | |

NOTICE OF FILING WAIVERS OF SERVICE OF SUMMONS

The United States of America ("United States") hereby files with the Clerk of the Court the attached Waivers of Service of Summons for the defendants listed below in the above-listed Subarea:

Michael Lee Bell II Charles Elwin Bond Ellen Louise Bond Elmo Dyle Bond and Margaret J. Bond Revocable Trust Elmo Dyle Bond, Co-Trustce Margaret J. Bond, Co-Trustee William Vanden Bosch Deborah J. Cooper Adela Dearmond Adolfo Dearmond Betty Johnson Raymond Meyers Thor Olson Lee Allen Schahrer Andrew G. Shows Turza M. Shows

149

Lawrence Simon Jeannine M. Soulsby William D. Soulsby Geraldine Stewart

Respectfully submitted this 29^{44} day of June 2006.

BRADLEY S. BRIDGEWATER

U.S. Department of Justice 1961 Stout Street - 8th Floor Denver, CO 80294 (303) 844-1369

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2006, a copy of the foregoing Notice of Filing

Bill ! Bilet

Waivers of Service of Summons, without attached waivers, was mailed to the following persons:

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

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

| 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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. |) |
| A & R PRODUCTIONS, et al., Defendants. |)) ~ · |
| | , |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, MICHAEL LEE BELL II, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rcl. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

| Signature: | Mill 2 AUI | Date: 6-16-06 |
|-----------------------|---------------------------------|---|
| print or type na | ame: Michael Le | ec BellI |
| of your authori | • • | f the named party, please indicate the source |
| and print or typhere: | be the full name and address of | f the party on whose behalf you are acting |
| | | |

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

| 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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. | <u> </u> |
| A & R PRODUCTIONS, et al., Desendants. |))) |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, CHARLES ELWIN BOND, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

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I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 12, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 12, 2006.

| Signature: Date: 6-12-06 | |
|---|---|
| print or type name: Charles Elwin Bond | |
| If you are signing on behalf of the named party, please indicate the source of your authority here: | e |
| and print or type the full name and address of the party on whose behalf you are acting here: | |
| | |
| | |

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| 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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION. Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v · · · · · · · · · · · · · · · · | |
| A & R PRODUCTIONS, et al., |) |
| Defendants. |) |
| |) |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, ELMO DYLE BOND AND MARGARET J. BOND REVOCABLE TRUST, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 12, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 12, 2006.

| Signature: | |
|---|----|
| Somo J- Bond & Mayordy. Bond Date: 6-25-06 | |
| print or type name: Elmo Dyle Bond Margaret J. Bond | |
| If you are signing on behalf of the named party, please indicate the sour of your authority here: | ce |
| and print or type the full name and address of the party on whose behalf you are acting here: | |
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| | |

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Duty to Avoid Unnecessary Costs of Service of Summons

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| 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 |) No. 01cv00072-BB | |
| and |) | |
| ZUNI INDIAN TRIBE, NAVAJO NATION, |) ZUNI RIVER BASI | N |
| Plaintiffs in Intervention, |) ADJUDICATION | |
| v. |) | |
| |) | |
| A & R PRODUCTIONS, et al., |) _ | |
| Defendants. |) - | |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, ELLEN LOUISE BOND, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

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I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 12, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 12, 2006.

| Signature: | en Louise, | Borne 1 | Date: <u>6-12-</u> | -06 |
|---------------------|----------------------------------|--------------------|---------------------|-----------------|
| - | e: Ellen Lo | | | _ |
| If your authority | you are signing on behi here: | alf of the named | party, please indic | cate the source |
| and print or type t | the full name and addre | ess of the party o | n whose behalf yo | ou are acting |
| | | | | |

Keep one copy of this form for your records.

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| 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 |)) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. | ,) |
| A & R PRODUCTIONS, et al., |)) |
| Defendants. |) |
| |) |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, ELMO DYLE BOND, CO-TRUSTEE, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

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| Signature: | | CarTrister | Date: | 6-25-06 |
|----------------------|--------------------------------|-------------------------|----------------|---------------------------|
| print or typ | oe name: <u>Eti</u> | no Oyla Bono |) | |
| of your aut | If you are sig hority here: | ning on behalf of the n | amed party, p | lease indicate the source |
| and print o here: | r type the full nar | me and address of the p | oarty on whose | behalf you are acting |
| _ | | | | |

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Duty to Avoid Unnecessary Costs of Service of Summons

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| UNITED STATES OF AMERICA, for Itself |) | |
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| 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 |) | No. 01cv00072-BB |
| und | í | 110.010100072 DD |
| ZUNI INDIAN TRIBE, NAVAJO NATION, | í | ZUNI RIVER BASIN |
| Plaintiffs in Intervention, | ý | ADJUDICATION |
| v | <u></u>) | |
| v. | í | |
| A & R PRODUCTIONS, et al., |) | |
| Defendants. | j | |
| | j | |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, MARGARET J. BOND, CO-TRUSTEE, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

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I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 12, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 12, 2006.

| Signature: Manson 1 Bond C6-Tuester Date: 6/25/06 |
|---|
| orint or type name: Magaret J. Bond, corresponden |
| If you are signing on behalf of the named party, please indicate the source of your authority here: |
| nd print or type the full name and address of the party on whose behalf you are acting tere: |
| |

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

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| 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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, |) ZUNI RIVER BASIN |
| Plaintiffs in Intervention, |) ADJUDICATION |
| v. |) |
| A & R PRODUCTIONS, et al., Defendants. |) <i></i> /· |
| | Ś |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, WILLIAM VANDEN BOSCH, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

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| Signature Willer | - C. barla Bosch | D | Date: 6/8/06 | |
|-----------------------------|-----------------------------------|--------------|--------------------|-----------------|
| print or type name: | WILLIAM C. VANDE | w Bosch | | _ |
| If you of your authority he | u are signing on behalf of re: | the named p | party, please indi | cate the source |
| and print or type the here: | e full name and address of | the party on | whose behalf yo | ou are acting |
| | | | | |

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| 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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. |) |
| A & R PRODUCTIONS, et al., Defendants. |))) |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, DEBORAH J. COOPER, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States'
Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

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| Signature: | mahot toom | Date: 6-12-06 | |
|-----------------------------|--------------------------|--|------|
| print or type name | : Debora | | |
| If y of your authority h | | f of the named party, please indicate the so | исе |
| | he full name and address | s of the party on whose behalf you are actir | ıg · |
| here: | | | |

Keep one copy of this form for your records.

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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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. | () |
| Λ & R PRODUCTIONS, et al., Defendants. |))) |

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, ADELA DEARMOND, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

Waiver of Service Page 1

| adela De armond Date: 6/20/06 |
|--|
| print or type name: Ade (A DE Amond Date: 6/20/06 |
| If you are signing on behalf of the named party, please indicate the source of you authority here: |
| and print or type the full name and address of the party on whose behalf you are acting here: |
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Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

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|) |
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|) |
|) |
|) No. 01cv00072-BB |
|) ZUNI RIVER BASIN) ADJUDICATION |
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WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, ADOLFO DEARMOND, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

| Signatur | 9/// | L NIB. | | Date: | 6/2/ | 560 |
|-------------|-------------|--------------------|---------------------------------------|---------------|------------------|---|
| print or ty | pc name: | Adolfo | | | 4790 | <u>, , , , , , , , , , , , , , , , , , , </u> |
| authority | • | u are signing on b | ehalf of the nam | ied party, pl | lease indicate t | ne source of your |
| and print | or type the | full name and ad | dress of the part | y on whose | behalf you are | acting here: |
| | | | · · · · · · · · · · · · · · · · · · · | | | |
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Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

| UNITED STATES OF AMERICA, for Itself |) | |
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| 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 |) No. 01cv00072-BB | |
| ZUNI INDIAN TRIBE, NAVAJO NATION, |) ZUNI RIVER BASIN | ľ |
| Plaintiffs in Intervention, |) ADJUDICATION | |
| v. |) | |
| |) | |
| A & R PRODUCTIONS, et al., |) | |
| Defendants. | į | |
| | } | |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, BETTY JOHNSON, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 12, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 12, 2006.

Waiver of Service Page 1

. . . .

BETTY JOHNSON

| Signatu | re: \mathcal{B} | ettu | 6 Ora | maon | Date: | Le-19- | 2006 |
|--------------------|-------------------|----------|--------------|----------------|--------------|---------------|---------------|
| print or t | type name: | Be | // // | Johnson | | | |
| of your a | If you | _ | ing on beha | lf of the nan | ned party, p | olcase indica | te the source |
| and print here: | t or type the | full nam | e and addres | ss of the part | y on whos | e behalf you | are acting |
| _ | | | | | | | |

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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 No. 01cv00072-BB ZUNI INDIAN TRIBE, NAVAJO NATION, ZUNI RIVER BASIN Plaintiffs in Intervention. ADJUDICATION V. A & R PRODUCTIONS, et al., Defendants.-- -

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, RAYMOND MEYERS, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

| Signature: | Maya | Date: \ | June 20, 2006 |
|------------------------|-------------------------|---------------------|------------------------------------|
| print or type name: | Raymond | Meyers | |
| If you authority here: | u are signing on behalf | of the named party, | please indicate the source of your |
| and print or type the | full name and address | of the party on who | se behalf you are acting here: |
| | | | |

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant.

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| 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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. |) |
| A & R PRODUCTIONS, et al., Defendants. |))) |
| | , |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, THOR OLSON, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

Waiver of Service Page 1

THOR OLSON

| Signature: Slat Mean Date: 6-73-06 |
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| print or type name: Thor Obon |
| If you are signing on behalf of the named party, please indicate the source of you authority here: |
| and print or type the full name and address of the party on whose behalf you are acting here: |
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Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. | ý |
| A & R PRODUCTIONS, et al., Defendants. |))) |
| | J |

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, LEE ALLEN SCHAHRER, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

l agree to avoid the cost of service of a summons and an additional copy of the .__ United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

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| Signature: Ju | a Shhow | Date: 6-20-2006 | |
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| | LEE A. SchahrEr | | |
| If yo authority here: | ou are signing on behalf of the | named party, please indicate the source of | you: |
| and print or type the | e full name and address of the | party on whose behalf you are acting here | : |
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Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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 |) No. 01cv00072-BB |
| |) |
| ZUNI INDIAN TRIBE, NAVAJO NATION, |) ZUNI RIVER BASIN |
| Plaintiffs in Intervention, |) ADJUDICATION |
| -+ · · |) |
| v. |) . |
| A & R PRODUCTIONS, et al., | <i>)</i>) |
| Defendants. | Ó |
| | ,) |

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, ANDREW G. SHOWS, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

Waiver of Service Page 1

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ANDREW G. SHOWS

| Signature: Date: 6/23/06 |
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| print or type name: Hndvew G. Shows |
| If you are signing on behalf of the named party, please indicate the source of you authority here: |
| and print or type the full name and address of the party on whose behalf you are acting here: |
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Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

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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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. | , , |
| A & R PRODUCTIONS, et al., Defendants. |))) |

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, TURZA M. SHOWS, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

Waiver of Service Page 1

| Signature | \ \dag{a} \dag{a} \ | | - / | 10010 | / | |
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| UWM | e Drow | | _Date: <i></i> | 1/2/3/10 | 6 | |
| print or type name: | TURZA | SHOV | NS | | | |
| If you authority here: | are signing on beha | alf of the name | d party, ple | ase indicate | the source of yo | ur |
| and print or type the | full name and addre | ess of the party | on whose t | ehalf you ar | e acting here: | |
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Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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| 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, |))))))) |
|--|---|
| 1 |) No. 01cv00072-BB |
| and |) No. 0169000/2-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION) |
| v. |) |
| A-& R PRODUCTIONS, et al., Defendants. |) <u> </u> |

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, LAWRENCE SIMON, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB/WWD-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner—provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before April 10, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an answer or motion under Rule 12 on or before April 10, 2006.

Waiver of Service Page 1

LAWRENCE SIMON

| Signature: Date: 6/20/06 | |
|---|---|
| print or type name: LAWRENCE J. STAON | |
| If you are signing on behalf of the named party, please indicate the source of your authority here: | С |
| and print or type the full name and address of the party on whose behalf you are acting here: | |
| | |
| | _ |

Upon agreeing to and completing this form, return one signed original in the pre-addressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 999 Eightcenth St., Suite 945N, Denver, CO, 80202).

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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 |)) No. 01cv00 | 072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIV:) ADJUDICA | |
| v . | ·) | ٠ |
| A & R PRODUCTIONS, et al., Defendants. |) ·) | |
| | <i>!</i> | |

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, JEANNINE M. SOULSBY, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

| Signature: M. Saubal | 2 Date: 6-19-06 |
|---|--|
| print or type name: TEANNINE M. | poursey |
| If you are signing on behalf of the nan authority here: | ned party, please indicate the source of you |
| and print or type the full name and address of the par | ty on whose behalf you are acting here: |
| | |
| | <u> </u> |

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It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v. | į́ |
| A & R PRODUCTIONS, et al., Defendants. |))) |

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, WILLIAM D. SOULSBY, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

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I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

Waiver of Service Page 1

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| Signature: | Kuly | Date:(| 19/00 | |
|----------------------------|---------------------------|---------------------|-----------------------|------------|
| print or type name: | lillian D. | 5 oulsby | | |
| If you are authority here: | e signing on behalf of th | he named party, ple | ase indicate the sour | ce of your |
| and print or type the full | name and address of the | he party on whose b | oehalf you are acting | here: |
| | | | | |

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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 |) No. 01cv00072-BB |
| ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, |) ZUNI RIVER BASIN) ADJUDICATION |
| v | |
| A & R PRODUCTIONS, et al., Defendants. |))) |

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, GERALDINE STEWART, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

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| Signature. | Geralde | ne Skure | <u>it</u> | Date: A | ne 26,0 | 2006 |
|----------------|--------------------|-------------------|-------------|----------------|-----------------|------------------|
| print or type | name: <u>Ger</u> a | eldine | STO | ener7 | | |
| authority here | | ning on behalf of | the named | l party, pleas | se indicate the | e source of your |
| and print or t | ype the full nan | ne and address of | f the party | on whose be | half you are a | icting here: |
| <u></u> | | | | | | |
| | | | | | | |

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