FILED
LUMB TABLET TO THE REPORT

UNITED STATES OF AMER	: ICA	06 DEC 13 AM 9: 4
and STATE OF NEW MEXICO, e	x rel. STATE	CLEFKALBUOUERQUE
ENGINEER,	:. :	·
Plaintiffs,	į į	•
and ·	; ::	No. 01cv00072 BB-ACE
and .	: :	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVA	JO NATION,	ADJUDICATION
Plaintiffs in Into	ervention,	Subareas 1, 2, and 3
V	: : : :	
	; ;	•
A & R PRODUCTIONS, et al.	'	
Defendants.	. , ; ;	-
	<u>; ·                                   </u>	

## 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 Subarca. The waivers, as executed by the Defendants, are consistent with the September 27, 2006, Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers (Doc. #837).

Deborah Biggers
Mark Biggers
Carol Bittner
George E. Dobbs
Nancy A. Dobbs
Alice L. Etienne
Oscar Etienne
Dana L. Farmer
Kathleen Farmer
Julie Ann Farrell

90g

Richard Alan Farrell

Mary E. Fort

Charles W. Fort

Katherine A. Green Hammond

Becky Grizzle

Henry Ray Grizzle

Kent Hodges Rev. Trust

Kurt R. Kress

Loraine Mullen Kress

M. Bruce Lambson

Evan M. Lewis

Pauline Olivar

Pete Olivar

**Darcy Riedy** 

Richard M. Riedy

Kam Ling Chan Shechet

Kathleen R. Shechet

Paul Steve Shechet

Robert Shechet '

Bret B. Thomburg

Michelle M. Winfield, Trustee

Robert M. Winfield, Trustee

Respectfully submitted this  $12^{1/4}$  day of December 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 December /2, 2006, a copy of the foregoing *Notice of* 

Filing 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.	)	
	)	

### WAIVER OF SERVICE OF SUMMONS

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

I, DEBORAH BIGGERS, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. State <u>Engineer v. A & R Productions</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

**DEBORAH BIGGERS** 

Debroh Bragero	Date: \\ \d - 7-06
print or type name: Doborah	
If you are signing on behalf o authority here:	f the named party, please indicate the source of you
and print or type the full name and address o	f the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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

## WAIVER OF SERVICE OF SUMMONS

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

I, MARK BIGGERS, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. State Engineer v. A <u>& R Productions</u>, 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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Waiver of Service Page 1

MARK BIGGERS

Signature:	nk Biggers Date: 12/4/06
	are signing on behalf of the named party, please indicate the source of your
and print or type the f	ull name and address of the party on whose behalf you are acting here:
<del></del>	

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street  $-8^{th}$  Floor, Denver, CO, 80294).

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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	Ś
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.	Ì
A & R PRODUCTIONS, et al., Defendants.	) ) )

#### WAIVER OF SERVICE OF SUMMONS

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

I, CAROL BITTNER, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A</u> & 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1 CAROL BITTNER

Signature:	arobbil	ther	Date: _	12/4/06	<del></del>
print or type	e name: <u>(a r</u>	ol Bitme	<u></u>		
authority he		ning on behalf of the	named party,	please indicate the	e source of your
and print or	type the full nam	ne and address of the	party on whos	se behalf you are	acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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, Plaintiffs in Intervention,	) ZUNI RIVER BASIN ) ADJUDICATION
v.	ĺ
A & R PRODUCTIONS, et al., Defendants.	) ) )

### **WAIVER OF SERVICE OF SUMMONS**

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

I, GEORGE E. DOBBS, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

GEORGE E. DOBBS

Signature:
print or type name: (SEUMGE E. DOSBS
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:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street  $-8^{th}$  Floor, Denver, CO, 80294).

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No. 01cv00072-BB
ZUNI RIVER BASIN ADJUDICATION

### **WAIVER OF SERVICE OF SUMMONS**

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

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

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Waiver of Service Page 1

NANCY A. DOBBS

Signature: MA	my a. Dolbs	Date:	12-4-06	
print or type name:	NANCY A. DOB	පිර	· 	
If you authority here:	ou are signing on behalf of the	e named party,	please indicate the source	of you
and print or type th	ne full name and address of the	e party on who	se behalf you are acting he	:e:
			····- ·	

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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.	) ) )

### WAIVER OF SERVICE OF SUMMONS

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

I, ALICE L. ETIENNE, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

ALICE L. ETIENNE

Signature	Soul	K _			Date:	12-5	o6	
print or type	name:	ALIC	E L. E	TIENN				
authority her	-	ı are signi	ng on beha	lf of the nar	ned party,	please ind	icate the so	ource of your
and print or t	type the	full name	and addre	ss of the par	ty on who	se behalf y	ou are acti	ing here:
								<del></del>

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

### **WAIVER OF SERVICE OF SUMMONS**

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

I, OSCAR H. ETIENNE, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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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Waiver of Service Page 1

OSCAR H. ETIENNE

Signature:	()	nlAla			Date: _	12-	21 – حا	<b>3</b> 6	
print or type	name: _	OSCH	2 ETIE	ENN.			<del></del>		
authority her	_	are signing o	on behalf of	the name	ed party,	please ir	ndicate the	e source of	'your
and print or t	ype the f	full name and	d address of	the party	on who	se behali	you are a	acting here	:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street = 8th Floor, Denver, CO, 80294).

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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, 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, DANA L. FARMER, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

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Waiver of Service Page 1

DANA L. FARMER

gnature: Lana Z. Farner Date: 11/8/010
int or type name: Dana L. Farmer  Date: 14/8/06
If you are signing on behalf of the named party, please indicate the source of your athority here:
nd 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 preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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	j j	
ENGINEER,	)	
Plaintiffs,	)	
: :	)	
and	) 1	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, KATHLEEN FARMER, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>; 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

KATHLEEN FARMER

	Kathlew Farmer	Date: 12/8/06	
	e name: <u>Kathleen Farm</u>		
authority he	T T	he named party, please indicate the source	of you
and print or	type the full name and address of the	he party on whose behalf you are acting he	- ere:
			- -

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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,	)
	) No. 01cv00072-BB
and	) 140. 0164000/2-BB
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
V.	
A & R PRODUCTIONS, et al.,	)
· · · · · · · · · · · · · · · · · · ·	)
Defendants.	) · · · · · · · · · · · · · · · · · · ·
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## WAIVER OF SERVICE OF SUMMONS

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

l, JULIE ANN FARRELL, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1 JULIE ANN FARRELL

Signature:,		<u>.</u>
<u></u>	Merson Farrell	Date: <u>12-04-010</u>
print or type	ename: Julie Ann Farr	ell
authority he		named party, please indicate the source of your
and print or	type the full name and address of the	party on whose behalf you are acting here:
		<del></del>
	:	

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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.	)
• •	)

## WAIVER OF SERVICE OF SUMMONS

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

I, RICHARD ALAN FARRELL, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

RICHARD ALAN FARRELL

Signature: Tueland	Ullan Famill	Date: <u>/</u>	2-04-06	
print or type name:	RICHARD ALAN	FARRELL		
If yo authority here:	u are signing on behalf of t	he named party, pl	ease indicate the sou	rce of your
and print or type the	e full name and address of t	the party on whose	behalf you are acting	g here:
				<del></del>

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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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 Z	)	
Nation and Ramah Ban	d of Navajos and	
STATE OF NEW MEX	CICO, ex rel. STATE	
ENGINEER,	:	)
Plaintiffs,		)
and		No. 01cv00072-BB
ZUNI INDIAN TRIBE Plaintiffs in Int		ZUNI RIVER BASIN ADJUDICATION
v.	·	
A & R PRODUCTION Defendants.	S, et al.,	) )
		)

## WAIVER OF SERVICE OF SUMMONS

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

I, MARY E. FORT, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service MARY E. FORT

Marya Sont	Date: _/2/6/06
print or type name: MARY F. FO	
If you are signing on behalf cauthority here:	of the named party, please indicate the source of you
and print or type the full name and address of	of the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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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.	) ) )
	)

### WAIVER OF SERVICE OF SUMMONS

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

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

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Waiver of Service Page 1 KATHERINE A. GREEN

Signature: Kathering of Free Armand Date: 11-27-2004	
print or type name: Katherine A. Green Hammond	
If you are signing on behalf of the named party, please indicate the source of authority here:	our/
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 preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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UNITED STATES OF AMERICA and as Trustee for the Zuni Indian Nation and Ramah Band of Navaj STATE OF NEW MEXICO, extra ENGINEER,	Tribe, Navajo ) os and )	) ) ) )	
Plaintiffs,	.)		
and	)	) No. 01cv00072-BB	
ZUNI INDIAN TRIBE, NAVAJO 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, CHARLES W. FORT, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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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Waiver of Service Page 1 CHARLES W. FORT

Signature:	Ch		Date	: 12.4-0	6
print or type	name:	harles w.			
authority he	<del>-</del>	signing on behalf of	the named part	y, please indicate	e the source of your
and print or	type the full	name and address of	the party on wi	hose behalf you a	are acting here:
		: !			

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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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	í
STATE OF NEW MEXICO, ex rel. STATE	ý
ENGINEER,	)
Plaintiffs,	)
4	) No. 01cv00072-BB
and	) No. 016400072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
A second of the second	.)
v.	)
A & R PRODUCTIONS, et al.,	)
Defendants.	j
	)

### **WAIVER OF SERVICE OF SUMMONS**

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

I, REBECCA GRIZZLE, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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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Waiver of Service Page 1

. . **?** 

REBECCA GRIZZLE

Signature:	. 0		
Becke	<u> </u>	Date: _12-	<u>5-06</u>
	29		_
print or type n	ame: Becky Gr	izzlo	
			<del></del>
	If you are signing on behalf	of the named party inlease	indicate the source of you
authority here:		or the harred party, prease	maleute the source of you
authority nere.	•		
	46 - 6.11	-Cabo months on the book	16
and print or ty	pe the full name and address	of the party on whose beni	in you are acting nere:
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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	) N	No. 01cv00072-BB
	)	
ZUNI INDIAN TRIBE, NAVAJO NATION,	) Z	ZUNI RIVER BASIN
Plaintiffs in Intervention,	) A	ADJUDICATION
v	) -	
A & R PRODUCTIONS, et al.,	)	
Defendants.	)	
1	<u></u>	

#### WAIVER OF SERVICE OF SUMMONS

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

I, HENRY RAY GRIZZLE, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. State <u>Engineer v. A & R Productions</u>, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

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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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

HENRY RAY GRIZZLE

Signature:	15°-	Date:	12-12 56
print or type name:			
If you are s authority here:	signing on behalf of the	e named party, p	lease indicate the source of you
and print or type the full r	name and address of the	e party on whose	e behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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 Trustce for the Zuni Indian Tribe, Navajo Nation and Ramah Band of Navajos and STATE OF NEW MEXICO, ex rel. STATE	) ) )
ENGINEER,	)
Plaintiffs,	)
1.	)
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, KENT HODGES REV. TRUST, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

A STATE OF THE STA

KENT HODGES REV. TRUST

Signature:	Rev. Trust Date: 12-03-2006
print or type name: _	1(ent Hodges, Res. Trust
	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 whose behalf you are acting here:
	:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

Keep one copy of this form for your records.

4

#### **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	Ś
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, KURT KRESS, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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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Waiver of Service KURT KRESS
Page 1

Signatu <u>re:</u> W	theress		Date:	5/06	
orint or type name	Kurt R.				
	ou are signing on beh		Į	e indicate the source	e of vou
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authority here:  and print or type the	he full name and addr	ess of the part	y on whose be	half you are acting h	_ cre:
<u>-</u>	he full name and addr	ess of the par	y on whose be	half you are acting h	 cre: _

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, 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, LORAINE MULLEN KRESS, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a *Request for Consultation* form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a *Notice That The Consultation Period Has Ended*.

Waiver of Service Page 1 LORAINE MULLEN KRESS

Signature: Jaranu Wallen Wate: 12/6/06	
orint or type name: LORAINE AQUILEN-KRESS	
If you are signing on behalf of the named party, please indicate the source of youthority here:	⁄oui
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 preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. \_\_\_ \_ \_ Department of Justice, 1961 Stout Street - 8<sup>th</sup> Floor, Denver, CO, 80294).

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, 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, BRUCE LAMBSON, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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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l 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1 **BRUCE LAMBSON** 

Signature:	u Sambor	Date:	2/9/06	
print or type name:	m. Bhuce 1	jambson		
If you authority here:	are signing on behalf of t	he патеd party, pl	ease indicate th	ne source of you
and print or type the f	ull name and address of t	he party on whose	behalf you ard	acting here:
				<del></del>

Upon agrecing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, Ü.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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,	)
1 •	)
and	) No. 01ev00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention,	) ZUNI RIVER BASIN  ·) - ADJUDICATION
<b>v.</b>	)
A & R PRODUCTIONS, et al., Defendants.	) ) )
	<del></del>

## WAIVER OF SERVICE OF SUMMONS

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

I, PAULINE OLIVAR, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

z. ?

PAULINE OLIVAR

<u>-</u>	Pauline Olivar
If you authority here:	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 whose behalf you are acting here:
addressed, postage-pa	agreeing to and completing this form, return one signed original in the pre- aid envelope provided (addressed to Bradley S. Bridgewater, U.S.

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 AN and as Trustee for the Zun	•	. )	
Nation and Ramah Band o		)	
STATE OF NEW MEXIC ENGINEER,	O, ex rel. STATE	)	
Plaintiffs,	;	)	
	1	)	
and		)	No. 01cv00072-BB
ZUNI INDIAN TRIBE, N Plaintiffs in Interv		) )	ZUNI RIVER BASIN ADJUDICATION
in the second of		.)	
v.	· !	)	
A & R PRODUCTIONS, of	et al., <sub>!</sub>	)	
Defendants.	ì	) )	
<u> </u>			

#### **WAIVER OF SERVICE OF SUMMONS**

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

I, EVAN M. LEWIS, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1 EVAN M. LEWIS

Signature:	il Our	an M Ewis	Date	: 7 Dec 2006	
print or type	name:				
authority her		re signing on behalf o	f the named part	y, please indicate the sourc	e of you
and print or	type the ful	II name and address o	f the party on wh	nose behalf you are acting	here:
<del></del>					<u>-</u>

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid-envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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
<b>v.</b>	)
A & R PRODUCTIONS, et al., Defendants.	) ) ) )

#### WAIVER OF SERVICE OF SUMMONS

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

I, PETE OLIVAR, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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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PETE OLIVAR

of Summons, attached to this form.

Signature:	Olwar .	Date: 12-08-06	
print or type name:	Pete OLivar	γ ,	
If you authority here:	ou are signing on behalf of the	the named party, please indicate the source of	your
and print or type the	e full name and address of the	the party on whose behalf you are acting here:	

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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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
<u>.v</u>	)
A & R PRODUCTIONS, et al., Defendants.	) ) )

### **WAIVER OF SERVICE OF SUMMONS**

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

I, DARCY RIEDY, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A</u> & 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

Signature:	Date: 12 - 7 - 010
print or type name: DACY Ried	<u>ty</u>
If you are signing on behalf of authority here:	of the named party, please indicate the source of your
and print or type the full name and address	of the party on whose behalf you are acting here:
·	
Upon agreeing to and comple	eting this form, return one signed original in the pre-

Keep one copy of this form for your records.

addressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street—8<sup>th</sup> Floor, Denver, CO, 80294).

#### **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
i	)
V	and the second second
A & R PRODUCTIONS, et al.,	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Defendants.	Ś
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## **WAIVER OF SERVICE OF SUMMONS**

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

I, RICHARD M. RIEDY, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

RICHARD M. RIEDY

Signature:  print or type name:		
If you a	re signing on behalf of t	the named party, please indicate the source of you
authority here:		
and print or type the fu	ll name and address of t	the party on whose behalf you are acting here:
··········	<u>i</u>	
addressed, postage-pai	d envelope provided (ad	ng this form, return one signed original in the produced to Bradley S. Bridgewater, U.S.

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.

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.

Waiver of Service Page 2

) ) ) ) ) .
)
) No. 01cv00072-BB
) ZUNI RIVER BASIN ) ADJUDICATION
) )
, ) )

#### WAIVER OF SERVICE OF SUMMONS

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

I, KAM LING CHAN SHECHET, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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.

Lagree 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.

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Waiver of Service Page 1

KAM LING CHAN SHECHET

J. 1	
Signature:	Date: 12-10-06
print or type	name: Kam ling chan shechet
authority her	If you 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 whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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,	)
ı	)
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, KATHLEEN R. SHECHET, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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.

Lagree 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

KATHLEEN R. SHECHET

Signature: Date: 12-3-06
print or type name: KATHLEEN R. She Chet
If you are signing on behalf of the named party, please indicate the source of your authority here:
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, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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, 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, PAUL STEVE SHECHET, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. <u>State Engineer v. A & R Productions</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

PAUL STEVE SHECHET

RELL	Date: /2 -/3-0-6	
name: Pay / Steve	<del></del>	
If you are signing on behalf ore:	of the named party, please indicate the source o	[ your
type the full name and address of	of the party on whose behalf you are acting here	):
	If you are signing on behalf e:	name: Pay Stocket  If you are signing on behalf of the named party, please indicate the source of

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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, Plaintiffs in Intervention,	) ZUNI RIVER BASIN ) ADJUDICATION
v.	
A & R PRODUCTIONS, et al., Defendants.	)
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#### WAIVER OF SERVICE OF SUMMONS

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

I, ROBERT SHECHET, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1 ROBERT SHECHET

Signature:	dre FRate Date: 1-1.3.2006
print or type na	me: Robert & Shechet
authority here:	If you are signing on behalf of the named party, please indicate the source of your
and print or typ	be 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 preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8th Floor, Denver, CO, 80294).

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, Plaintiffs in Intervention,	) ZUNI RIVER BASIN ) ADJUDICATION )
A & R PRODUCTIONS, et al., Defendants.	) ) ) ) _)

#### WAIVER OF SERVICE OF SUMMONS

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

I, BRET THORNBURG, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a Request for Consultation form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a Notice That The Consultation Period Has Ended.

Waiver of Service Page 1

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**BRET THORNBURG** 

Signature:	-B. II	Z-j	Date	:_12-7-06	<u> </u>
print or type	name:	Bret	B Thor	burg	
authority her	•	gning on behalf o	of the named part	y, please indicate	e the source of your
and print or t	ype the full na	me and address o	of the party on wl	nose behalf you a	rc acting here:
addressed, po		ng to and complovelope provided (		<b>~</b>	original in the pre- ater, U.S.

Keep one copy of this form for your records.

## **Duty to Avoid Unnecessary Costs of Service of Summons**

Department of Justice, 1961 Stout Street - 8th Floor, Denver, CO, 80294).

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

## **WAIVER OF SERVICE OF SUMMONS**

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

I, MICHELLE M. WINFIELD, TRUSTEE, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, 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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Waiver of Service Page 1 MICHELLE M. WINFIELD, TRUSTEE

Signature: Michillo In Unifield Date: 12/6/06
orint or type name: Michelle M Wirefield
If you are signing on behalf of the named party, please indicate the source of your authority here:
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 preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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Waiver of Service Page 2

and as Trustee for the Nation and Ramah Ba	F AMERICA, for Itself Zuni Indian Tribe, Navajo and of Navajos and EXICO, ex rel. STATE	) ) ) )	
Plaintiffs,	ı	)	
	1	)	
and	i	)	No. 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION, Plāintiffs in Intervention,		) ) )	ZUNI RIVER BASIN ADJUDICATION
v.	ı	) )	
A & R PRODUCTION Defendants.	NS, et al.,	) ) )	

#### **WAIVER OF SERVICE OF SUMMONS**

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

I, ROBERT M. WINFIELD, TRUSTEE, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico, ex rel.</u>

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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Waiver of Service Page 1

ROBERT M. WINFIELD, TRUSTEE

Signature:	had C	- Date:	12-6-06	
print or type name:	Robert 1		,	
If you a authority here:	re signing on behalf of	the named party	, please indicate the s	ource of you
and print or type the fu	ll name and address of	the party on who	ose behalf you are act	ing here:
	!		···	
itaa				

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

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.