

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

UNITED STATE OF AMERICA, and)	
STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	
)	
Plaintiffs,)	
)	CIV. NO. 01-00072 BDB/WDS
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs-in-Intervention,)	Subfile No. ZRB 1-0100
)	JOANN STRICKLAND TRUST
v.)	
)	
A & R PRODUCTIONS, et-al.,)	
)	
Defendants.)	
<hr/>		

AFFIDAVIT

STATE OF NEW MEXICO)
) SS
COUNTY OF BERNALILLO)

Tanya Scott, having been duly sworn, deposes and states as follows:

1. I am an attorney, licensed in the State of New Mexico.
2. I have personal knowledge of the matters stated herein.
3. In approximately January or early February, 2009, I was contacted by Larry Carver regarding the intent by the United States to pursue a default judgment against his sister-in-law JoAnn Strickland.

4. Mr. Carver was confused because his sister-in-law had requested a consultation on her subfile, had actually attended a consultation together with him and his wife, and had filed an answer to the Complaint. He speculated that there must be some confusion regarding his

EXHIBIT A

sister-in law's trust that had been formed after the commencement of the litigation because she was in compliance with the requirements of the scheduling orders.

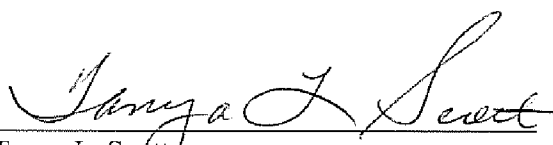
5. I told Mr. Carver that I would contact counsel for the United States and see if I could get more information regarding the mix up. My e-mails with Bradley Bridgewater are attached hereto.

6. I informed Mr. Carver of the e-mail exchange and suggested to him that Ms. Strickland might want to contact Bradley Bridgewater directly to discuss the request for consultation she had submitted. I have since found out that she did, in fact, submit information to him regarding her efforts to comply with the scheduling orders in this litigation.

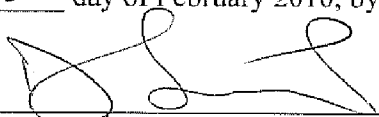
7. I did not represent Ms. Strickland or her Trust at the time. I was not asked to represent her or her Trust at the time. I did not discuss this matter with Ms. Strickland at the time. I had previously withdrawn an entry of appearance on her behalf in response to the Special Master's instructions that entries of appearance should be withdrawn for any defendant that this firm did not represent directly but only through their participation in the Western New Mexico Water Preservation Association (WNMWPA). I was not acting on behalf of Ms. Strickland at the time.

8. I was not asked to represent Ms. Strickland or her Trust until after a default judgment had been entered against her, at which time I again entered an appearance on her behalf.

FURTHER AFFIANT SAYETH NAUGHT.

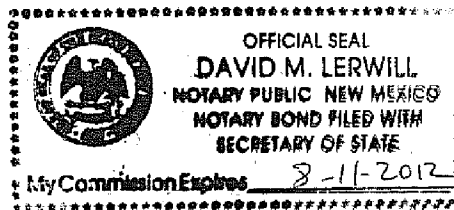

Tanya L. Scott

Subscribed and sworn to before me this 12th day of February 2010, by Tanya L. Scott.



Notary Public

My Commission Expires: 8-11-2012



From: Tanya Scott
Sent: Tuesday, February 09, 2010 2:19 PM
To: Stephen Curtice
Subject: FW: Zuni Adjudication -- ZRB-1-0100

From: Bridgewater, Bradley S (ENRD) [mailto:Bradley.S.Bridgewater@usdoj.gov]
Sent: Monday, February 09, 2009 4:00 PM
To: Tanya Scott
Cc: Edward Bagley
Subject: RE: Zuni Adjudication -- ZRB-1-0100

You are welcome to do so, but I frankly don't understand what the point of that would be. Our motion asserts that a representative of the trust did attend a consultation that had been scheduled for another party. The Trust never submitted a request for consultation, and its subfile answer, which was not timely filed, only asserts a right that is not based on beneficial use. We believe we are entitled to summary judgment on that issue, if not to a default judgment for failure to comply with the governing procedural and scheduling order.

From: Tanya Scott [mailto:tls@lrpa-usa.com]
Sent: Monday, February 09, 2009 3:51 PM
To: Bridgewater, Bradley S (ENRD)
Cc: Jonas Armstrong
Subject: RE: Zuni Adjudication -- ZRB-1-0100

Do you want me to get an affidavit from Ms. Strickland that she participated in the consultation?

Tanya L. Scott
Attorney at Law

LAW & RESOURCE PLANNING ASSOCIATES, P.C.
Attorneys at Law

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From: Bridgewater, Bradley S (ENRD) [mailto:Bradley.S.Bridgewater@usdoj.gov]
Sent: Monday, February 09, 2009 3:49 PM
To: Tanya Scott
Cc: Edward Bagley
Subject: RE: Zuni Adjudication -- ZRB-1-0100

But you withdrew that entry. (Doc. 1930) In any event, I do recall that consultation. The church use well, which was on Carver property, has since been adjudicated in ZRB-1-0164. All of the Carvers' subfiles remain in dispute, primarily because they refuse to consider any amount less than 3 acre feet per year for their wells, without regard to their beneficial use.

From: Tanya Scott [mailto:tls@lrpa-usa.com]
Sent: Monday, February 09, 2009 3:21 PM
To: Bridgewater, Bradley S (ENRD)
Cc: Jonas Armstrong
Subject: RE: Zuni Adjudication -- ZRB-1-0100

Our records show we entered an appearance for both Joann Strickland and the Joann Strickland Trust (Doc 1394).

Also, there were two or three consultations that I attended early on in Grants or Gallup. This was one of them. Ms. Strickland came with her sister and brother-in-law (Larry Carver and his wife) and we did them one after each other. I specifically remember a discussion about a well on either Ms. Strickland's or the Carver's property where the water had actually been used by a neighboring church, if that refreshes your recollection.

Tanya L. Scott
Attorney at Law

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From: Bridgewater, Bradley S (ENRD) [mailto:Bradley.S.Bridgewater@usdoj.gov]
Sent: Monday, February 09, 2009 3:05 PM
To: Tanya Scott

Cc: Edward Bagley
Subject: RE: Zuni Adjudication -- ZRB-1-0100

Tanya:
Sorry, I was on travel at the end of last week.
The Joann Strickland Trust has always been the named defendant on this subfile. Do you represent the Trust?

From: Tanya Scott [mailto:tls@lrpa-usa.com]
Sent: Wednesday, February 04, 2009 4:35 PM
To: Bridgewater, Bradley S (ENRD)
Cc: carver@7cities.net; Jonas Armstrong
Subject: Zuni Adjudication -- ZRB-1-0100

Hi Brad,

I understand that you are seeking a default on this subfile for the Joann Strickland Trust. I understand that the consultation process for this file took place before the Trust was formed, or with Ms. Strickland individually.

Does that comport with your records? If so, will you withdraw your request for entry of default?

Thanks for the information.

Tanya L. Scott
Attorney at Law

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Attorneys at Law

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