

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

#4

UNITED STATES OF AMERICA	)	06 JUN 12 AM 9:02
and	)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE	)	CLERK'S OFFICE
ENGINEER,	)	
	)	
Plaintiffs,	)	
	)	No. 01cv00072 BB-ACE
and	)	
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ZUNI RIVER BASIN
	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Subarea 3
	)	
v.	)	
	)	
A & R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	

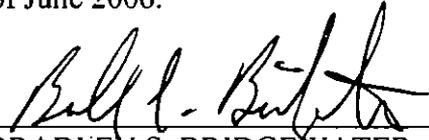
NOTICE OF FILING WAIVERS OF SERVICE OF SUMMONS

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

- Walter Gene Bell
- Robert D. Bradley
- Anthony Buchen
- Ardonna Bucher
- James M. Bucher
- Jeralyn Goodwin
- David McNitt
- Lisa McNitt
- Mike Orton
- Sandy Orton
- Vernon Osborn
- Peter Rieger
- Shelia Rieger
- Orlo Joe Gillaspay, Trustee
- Ruth Vest, Trustee

724

Respectfully submitted this 9<sup>th</sup> day of June 2006.

  
\_\_\_\_\_  
BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout Street - 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1369

COUNSEL FOR THE UNITED STATES

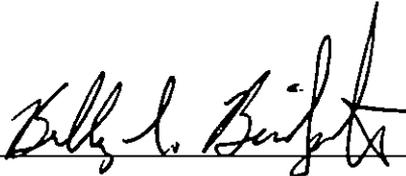
CERTIFICATE OF SERVICE

I hereby certify that on June 9, 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



A handwritten signature in cursive script, appearing to read "Billy L. Benfante", is written over a horizontal line.

UNITED STATES OF AMERICA, for Itself )  
 and as Trustee for the Zuni Indian Tribe, Navajo )  
 Nation and Ramah Band of Navajos and )  
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 ENGINEER, )  
 Plaintiffs, )  
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 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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

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

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

Signature:

Walter G. Bell

Date: 6-3-06

print or type name: Walter G. Bell

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**

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.

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 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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Signature:

 Date: 6/04/06

print or type name:

ROBERT D. BRADLEY

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

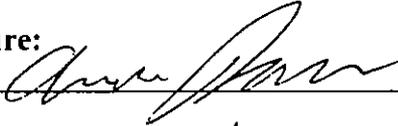
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Signature:



Date: 06-3-06

print or type name:

Anthony Buchen

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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Signature:

Ardonna Bucher

Date: 06-01-06

print or type name: Ardonna Bucher

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Copy

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

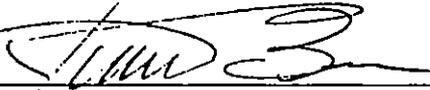
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Signature:



Date:

6-1-04

print or type name:

James M. Bucher

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:

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**ZUNI RIVER BASIN  
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**WAIVER OF SERVICE OF SUMMONS**

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

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

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Signature: Jeralyn Goodwin Date: June 3, 2006  
print or type name: JERALYN GOODWIN

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:

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

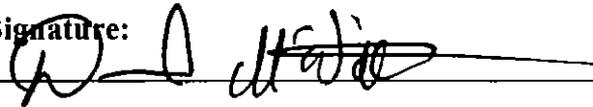
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Signature:



Date: 6-5-06

print or type name: David McNitt

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:

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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.

UNITED STATES OF AMERICA, for Itself )  
 and as Trustee for the Zuni Indian Tribe, Navajo )  
 Nation and Ramah Band of Navajos and )  
 STATE OF NEW MEXICO, ex rel. STATE )  
 ENGINEER, )  
 Plaintiffs, )  
 )  
 and )  
 )  
 ZUNI INDIAN TRIBE, NAVAJO NATION, )  
 Plaintiffs in Intervention, )  
 )  
 v. )  
 )  
 A & R PRODUCTIONS, et al., )  
 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

**ZUNI RIVER BASIN  
ADJUDICATION**

**WAIVER OF SERVICE OF SUMMONS**

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

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

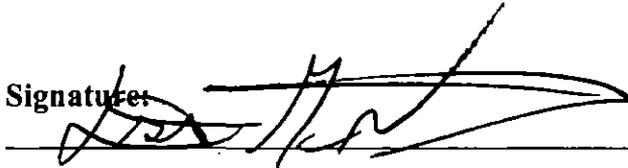
I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

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

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

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

Signature: \_\_\_\_\_



Date: 6-5-06

print or type name: Lisa McNitt

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**

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

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

UNITED STATES OF AMERICA, for Itself )  
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 Nation and Ramah Band of Navajos and )  
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 ENGINEER, )  
 Plaintiffs, )  
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 and )  
 )  
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 Plaintiffs in Intervention, )  
 )  
 v. )  
 )  
 A & R PRODUCTIONS, et al., )  
 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

**ZUNI RIVER BASIN  
ADJUDICATION**

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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

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

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

Signature:

*Mike Orton*

Date: 6.6.06

print or type name: MIKE ORTON

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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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.

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 ENGINEER, )  
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 and )  
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 A & R PRODUCTIONS, et al., )  
 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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

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

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

Signature:

*Sandy Orton*

Date: 6.6.06

print or type name:

SANDY ORTON

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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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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 ENGINEER, )  
 Plaintiffs, )  
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 and )  
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 Plaintiffs in Intervention, )  
 )  
 v. )  
 )  
 A & R PRODUCTIONS, et al., )  
 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

**ZUNI RIVER BASIN  
ADJUDICATION**

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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

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

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

Signature:



Date:

8/3/06

print or type name:

TONT (VERNON A.) OSBORN

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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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.

UNITED STATES OF AMERICA, for Itself )  
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 ENGINEER, )  
 Plaintiffs, )  
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 and )  
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 ZUNI INDIAN TRIBE, NAVAJO NATION, )  
 Plaintiffs in Intervention, )  
 )  
 v. )  
 )  
 A & R PRODUCTIONS, et al., )  
 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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

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

Signature:

*Peter Rieger*

Date:

*6/5/6*

print or type name:

*PETER RIEGER*

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).

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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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 ENGINEER, )  
 Plaintiffs, )  
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 and )  
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 ZUNI INDIAN TRIBE, NAVAJO NATION, )  
 Plaintiffs in Intervention, )  
 )  
 v. )  
 )  
 A & R PRODUCTIONS, et al., )  
 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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

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

Signature: Sheila A Rieger Date: 6/5/9

print or type name: SHEILA RIEGER

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).

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 ENGINEER, )  
 Plaintiffs, )  
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 and )  
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 Plaintiffs in Intervention, )  
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 A & R PRODUCTIONS; et al., )  
 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

**ZUNI RIVER BASIN  
ADJUDICATION**

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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Signature:

Orlo Joe Gillaspay Date: 6/6/06

print or type name: ORLO JOE GILLASPY

If you are signing on behalf of the named party, please indicate the source of your authority here:

The Gillaspay Family Trust, TRUSTEE  
and print or type the full name and address of the party on whose behalf you are acting here:

The Gillaspay Family Trust  
P.O. Box 270  
Taylor AZ 85939

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).

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 and as Trustee for the Zuni Indian Tribe, Navajo )  
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 Plaintiffs in Intervention, )  
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 A & R PRODUCTIONS, et al., )  
 Defendants. )  
 \_\_\_\_\_ )

**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**WAIVER OF SERVICE OF SUMMONS**

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

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

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

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

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

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

Signature:

*Ruth Vest*

Date: 6-6-06

*RUTH VEST*

print or type name: THE R. VEST FAMILY TRUST

If you are signing on behalf of the named party, please indicate the source of your authority here:

TRUSTEE

and print or type the full name and address of the party on whose behalf you are acting here:

THE R. VEST FAMILY TRUST  
P.O. BOX 270  
TAYLOR, AZ. 85939

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**

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.