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, DICK WALLEN, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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. 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

DICK WALLEN

Signature: Juis Wallow Date: 12-13-06
print or type name: DICK LIALLEN
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:

Keep one copy of this form for your records.

# Duty to Avoid Unnecessary Costs of Service of Summons

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

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

UNITED STATES OF AMERICA, for Itself	)	
and as Trustee for the Zuni Indian Tribe, Navajo	)	
Nation and Ramah Band of Navajos and	)	
STATE OF NEW MEXICO, ex rel. STATE	)	
ENGINEER,	)	
Plaintiffs,	)	
•	)	
and	) No. 01cv00072-BB	
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ZUNI RIVER BASI	N
Plaintiffs in Intervention,	) ADJUDICATION	
Traintills in intervention,	) ABJODICATION	
v.	)	
	)	
A & R PRODUCTIONS, et al.,	)	
Defendants.	)	
	)	

#### WAIVER OF SERVICE OF SUMMONS

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

I, MARY JO WALLEN, 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*.

Signature:	May Jour alla Date: 12/16/06
print or type na	May Jouralla Date: 12/16/06 ame: MARY JO WALLEN
authority here:	If you are signing on behalf of the named party, please indicate the source of your
and print or ty	pe the full name and address of the party on whose behalf you are acting here:
addressed, pos	Upon agreeing to and completing this form, return one signed original in the pre- tage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S.

Keep one copy of this form for your records.

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

### WAIVER OF SERVICE OF SUMMONS

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

I, DON WEINRICK, 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.

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 DON WEINRICK

Case 6:01-cv-00072-BB-WDS Document 958-5 Filed 01/18/2007 Page 6 of 34

Signature:  Date: 1-2-02
print or type name: Don WEIN LICK
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<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.

Waiver of Service Page 2

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

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

I, PAULA WEINRICK, 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*.

Signature: Date: 1-2-07
print or type name: Phula Weinrick
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:

Keep one copy of this form for your records.

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

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

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UNITED STATES OF AMERICA, for Itself	)
and as Trustee for the Zuni Indian Tribe, Navajo	)
Nation and Ramah Band of Navajos and	)
STATE OF NEW MEXICO, ex rel. STATE	)
ENGINEER,	)
Plaintiffs,	)
and	) No. 01cv00072-BB
	)
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention,	) ZUNI RIVER BASIN ) ADJUDICATION
Flaminis 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, CALVIN F. WIGGINS, 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.

Signature:	/ñ	Date: _	12/15/06
print or type name:	CAIVIN	WISSING	
If you a authority here:	are signing on beha	alf of the named party,	please indicate the source of your
and print or type the fi	all name and addre	ss of the party on who	se behalf you are acting here:

Keep one copy of this form for your records.

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

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

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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
	j
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
v.	)
••	ý
A & R PRODUCTIONS, et al.,	)
Defendants.	)

#### WAIVER OF SERVICE OF SUMMONS

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

I, HOWARD I. WILLIAMS, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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. 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:	William	Date: 12/16	106
print or type name:	JOWARD I	Date: 12/16	<del>/</del> ~
If you are authority here:	signing on behalf of the r	named party, please indicat	e the source of your
and print or type the full	name and address of the p	party on whose behalf you	are acting here:

Keep one copy of this form for your records.

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

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

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

UNITED STATES OF AMERICA, for Itself	)
and as Trustee for the Zuni Indian Tribe, Navajo	)
Nation and Ramah Band of Navajos and	)
STATE OF NEW MEXICO, ex rel. STATE	)
ENGINEER,	)
Plaintiffs,	)
and	) No. 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
v.	)
A C D DDODLICTIONS at 1	)
A & R PRODUCTIONS, et al.,  Defendants.	\ 
Defendants.	)

### WAIVER OF SERVICE OF SUMMONS

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

I, JOAN M. WILLIAMS, 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 JOAN M. WILLIAMS

Signature: Date: 12-16-2006	
print or type name: John M. WILLIAMS	
If you are signing on behalf of the named party, please indicate the source of authority here:	your
and print or type the full name and address of the party on whose behalf you are acting here:	

Keep one copy of this form for your records.

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

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

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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	
ZINI NINIANI TRIDE MANATONI	)	Ωĭ
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ZUNI RIVER BASI	ΤΛ
Plaintiffs in Intervention,	) ADJUDICATION	
v.	)	
	)	
A & R PRODUCTIONS, et al.,	)	
Defendants.	)	
	)	

# WAIVER OF SERVICE OF SUMMONS

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

I, NANCY S. WILLS, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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. 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

NANCY S. WILLS

Keep one copy of this form for your records.

Department of Justice, 1961 Stout Street – 8<sup>th</sup> Floor, Denver, CO, 80294).

addressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S.

### **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.

Page 16 of 34

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.	)
	J

# WAIVER OF SERVICE OF SUMMONS

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

I, STEVEN C. WILLS, 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 STEVEN C. WILLS

Signature:	1-1/1.			
Her	in C. With	Date:	12/12/06	
	STEVEN (.)	Vices		
If you a authority here:	are signing on behalf of	the named party,	please indicate the	source of your
and print or type the fi	ull name and address of	the party on who	se behalf you are ac	cting here:
Upon a	Igreeing to and completi	ing this form, retu	urn one signed origi	nal in the pre-

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**

addressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S.

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
THE THE PARTY OF T	)
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, CLAUDIA M. WIXOM, 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.

Claudia M. Wyon Date: 12-14-06
print or type name: LAUDIA M. (DIXOM
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:

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,	)
<b>ل</b>	) No. 0100072 DD
and	) No. 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
	)
V.	)
A & R PRODUCTIONS, et al.,	)
Defendants.	Ś

### WAIVER OF SERVICE OF SUMMONS

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

I, SHARON WOLFORD, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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. 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

SHARON WOLFORD

Signature:	Date: 1-8-07
print or type name:	SHARON P. WOLFORD
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:

Keep one copy of this form for your records.

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UNITED STATES OF AMERICA, for Itself	)
and as Trustee for the Zuni Indian Tribe, Navajo	)
Nation and Ramah Band of Navajos and	)
STATE OF NEW MEXICO, ex rel. STATE	)
ENGINEER,	)
Plaintiffs,	)
and	) No. 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention,	) ZUNI RIVER BASIN ) ADJUDICATION
v.	)
A & R PRODUCTIONS, et al., Defendants.	) ) )

# WAIVER OF SERVICE OF SUMMONS

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

I, WILLIAM WOLFORD, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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. 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

WILLIAM WOLFORD

Keep one copy of this form for your records.

Case 6:01-cv-00072-BB-WDS

# Duty to Avoid Unnecessary Costs of Service of Summons

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

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO			
UNITED STATES OF AMERICA, for Itself and as Trustee for the Zuni Indian Tribe, Navajo Nation and Ramah Band of Navajos and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs,	) ) ) )		
i iaminis,	)		
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, CRAIG P. YOUNG, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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. 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

CRAIG P. YOUNG

Signature:	1/1/	Jun J	Date: /Z	2-26-06	
print or type 1	namé:	CRAIG YO	,		
authority here		g on behalf of the	named party, ple	ease indicate the so	ource of you
and print or ty	ype the full name a	and address of the	party on whose l	pehalf you are acti	ng here:

Keep one copy of this form for your records.

# Duty to Avoid Unnecessary Costs of Service of Summons

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

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

# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO UNITED STATES OF AMERICA, for Itself and as Trustee for the Zuni Indian Tribe, Navajo ) Nation and Ramah Band of Navajos and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs. and No. 01cv00072-BB ZUNI INDIAN TRIBE, NAVAJO NATION, ZUNI RIVER BASIN Plaintiffs in Intervention, **ADJUDICATION** v. A & R PRODUCTIONS, et al., Defendants.

### WAIVER OF SERVICE OF SUMMONS

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

I, KIMBERLY J. YOUNG, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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. 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

KIMBERLY J. YOUNG

Case 6:01-cv-00072-BB-WDS	Document 958-5	Filed 01/18/2007	Page 28 of 34
Signature:	D	ate: 1226-	:06
print or type name: Kin	nonly 1/ou	ing	<del></del>
	n behalf of the named p	arty, please indicate th	ne source of your
authority here:			
and print or type the full name and	address of the party on	whose behalf you are	acting here:

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, TIMOTHY L. ZAHN, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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. 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.

Signature:	Jung (	31	Date:	12/19/86	
print or type	name: Tim.	J OTHY 2. Z			
authority her		ing on behalf of the	named party, p	lease indicate the s	source of your
and print or t	type the full name	e and address of the	party on whos	e behalf you are ac	ting here:

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	) N- 0100072 PD
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, CHRISTOPHER ZIGLINSKI, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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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Waiver of Service

Case 6:01-cv-00072-BB-WDS Document 958-5 Filed 01/18/2007 Page 32 of 34

Mason, Signature!

Date: 12/5/2006

print or type name: Like A. Macik

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:

Christo sheet. Liching to Terrace

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

### WAIVER OF SERVICE OF SUMMONS

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

I, MARCIA ZIGLINSKI, acknowledge receipt of your request that I waive service of summons in the civil action United States and 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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Case 6:01-cy-00072-BB-WDS Document 958-5 Filed 01/18/2007  MASON, ISAGLSONG MACK PA	Page 34 of 34
, , , , , , , , , , , , , , , , , , , ,	
print or type name: Loke A. Macik	Ke
If you are signing on behalf of the named party, please indicate the	ne source of your
	ic source or your
authority here:	
At lower	
and print or type the full name and address of the party on whose behalf you are	acting here:
MARCIA Light shi	
SPF 5300 Terroce	

Keep one copy of this form for your records.

MD 64/12

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

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