

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

UNITED STATES OF AMERICA)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	
ENGINEER,)	
)	
Plaintiffs,)	
)	No. 01cv00072 BB-ACE
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	
)	
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. The waivers, as executed by the Defendants, are consistent with the September 27, 2006, Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers (Doc. #837) and the Special Master’s subsequent procedural orders.

Lisa Ann Bracken
Michael Scott Bracken
Michael J. Harper
Charles B. Jennings
Paul D. Merrill & Patricia V. Merrill Revocable Trust
Cheryl A. Mothershed
Robert H. Mothershed
Anita Palenschat

Donald D. Parry
Joleen M. Parry
Roger J. Thomas & V. Elaine Thomas Revocable Trust Dated October 4, 2006
Joseph H. Thorbecke

Respectfully submitted this 6th day of February 2007.

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 6, 2007, I filed the foregoing *Notice of Filing Waivers of Service of Summons* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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John W. Utton

jwu@ssslawfirm.com,djs@ssslawfirm.com

**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, LISA ANN BRACKEN, 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: *Lisa Ann Bracken* Date: 1/20/07
print or type name: LISA ANN BRACKEN

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 – 8th 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.

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)
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, MICHAEL SCOTT BRACKEN, 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*.

Signature:

Michael Scott Bracken

Date: 1-20-07

print or type name: MICHAEL SCOTT BRACKEN

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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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.

Signature:  Date: 1/22/07

print or type name: Michael J. Harper

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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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.

Signature:

Charles B. Jennings

Date:

1/31/07

print or type name:

CHARLES B. JENNINGS

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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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.

Signature:

Paul D. Merrill Date: 1/30/07

print or type name: Paul D. Merrill

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

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UNITED STATES OF AMERICA, for Itself)
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Nation and Ramah Band of Navajos and)
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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, CHERYL A. MOTHERSHED, 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*.

Signature: *Cheryl A. Mothershed* Date: 1-20-06

print or type name: Cheryl A. Mothershed

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 – 8th 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.

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)
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, ROBERT H. MOTHERSHED, 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*.

Signature: Robert H. Mothershed Date: 11/20/06

print or type name: Cheryl A. Mothershed
Robert H. Mothershed

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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ENGINEER,)	
Plaintiffs,)	
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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, ANITA PALENSCHAT, 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.

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Signature:

Anita Palenschat Date: 1/30/07

print or type name: Anita F. Palenschat

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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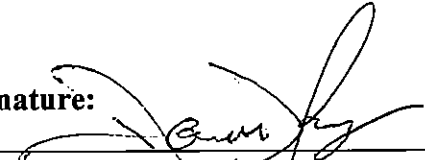
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Signature:

 _____ Date: 12-10-06

print or type name: DONALD DUANE PARRY

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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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, JOLEEN M. PARRY, 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:

Joleen M Parry Date: 12/10/06
print or type name: JOLEEN M PARRY

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 – 8th 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.

**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, ROGER J. THOMAS & V. ELAINE THOMAS REVOCABLE TRUST DATED OCTOBER 4, 2006, 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.

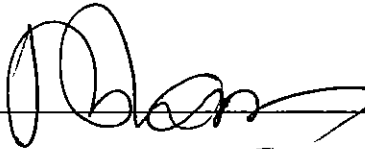
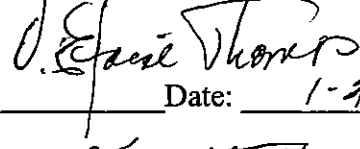
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I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint. I understand that a judgment may be entered against me (or 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.*

Signature:

 
Date: 1-19-07

print or type name: ROGER THOMAS & V ELAINE THOMAS REVOCABLE TRUST

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 – 8th 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.

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
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, JOSEPH H. THORBECKE, 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
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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
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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:

Joseph H Thorbecke

Date: 12/10/06

print or type name: JOSEPH H THORBECKE

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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