

**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.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et. al.,

Defendants.

No. 01cv00072-BB

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-3-0175

NOTICE THAT THE CONSULTATION PERIOD HAS ENDED

Pursuant to the Special Master's Procedural and Scheduling Orders, the United States of America ("United States"), with the concurrence of the State of New Mexico ex rel. State Engineer ("State"), hereby notifies DAVID SWINDLE TRUSTEE & LINDA SWINDLE TRUSTEE that the consultation period for Subfile No. ZRB-3-0175 has ended. **Within twenty (20) days of the date of service of this notice, DAVID SWINDLE TRUSTEE & LINDA SWINDLE TRUSTEE must either:**

1. **sign and accept the last Consent Order offered by the United States and the State for Subfile No. ZRB-3-0175 and return the entire Consent Order to counsel for the United States, OR**
2. **file with the Court and serve on counsel for the United States and for the State a Subfile Answer.**

A form Subfile Answer is provided with this notice. You may use the provided form or prepare your own Subfile Answer. However, in order to satisfy the Court's requirements, your Subfile Answer must:

1. provide the caption and civil action number of this case (No. 01cv00072-BB) and identify the subfile by the subfile number (ZRB-3-0175),
2. explain your reasons for disagreeing with the Consent Order offered for the subfile by the United States and the State,
3. include a statement that you have made a good faith effort to consult with and resolve the disagreement with the United States and the State, and
4. be properly filed with the Clerk of Court and served by mailing a copy to both counsel for the United States and counsel for the State.

Failure to properly sign and return the last-offered Consent Order or file and serve a Subfile Answer within twenty (20) days of service of this Notice shall be considered grounds for entry of a default order incorporating the terms jointly proposed by the United States and the State.

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

(concurrence via telephone 3/6/2007)
EDWARD BAGLEY
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

COUNSEL FOR THE STATE OF NEW
MEXICO EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 8, 2007, I filed the foregoing *Notice That the Consultation Period Has Ended* electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that on such date I served the foregoing, together with a form Subfile Answer, on the following non-CM/ECF Participants in the manner indicated:

Via U.S. Mail, Postage Pre-paid:

DAVID SWINDLE TRUSTEE & LINDA SWINDLE TRUSTEE
7021 Pioneer Place
Albuquerque, NM 87120