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05 NOV 14 AM 11:25

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

05 DEC -5 PM 1:24

No. 01cv00072-BB

CLERK ALBUQUERQUE

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.)

ZUNI RIVER BASIN
ADJUDICATION

WAIVER OF SERVICE OF SUMMONS

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

I (We), CECILIO MIRABAL, acknowledge receipt of your request that I (we) 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/WWD-ACE, in the Federal District Court for the District of New Mexico.

I (we) also acknowledge that I (we) 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 (we) can return one copy of the signed waiver to the United States without cost to me (us).

I (We) 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 (we) (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 (We) (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 (We) understand that I (we) 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 January 10, 2006. I (We) understand that a judgment may be entered against me (us) (or the party on whose behalf I am acting) if I (we) do not file and serve on you an answer or motion under Rule 12 on or before January 10, 2006.

Signature(s):

Cecilio M Mirabal

Date: *Nov 9, 2005*

print or type name:

CECILIO M. MIRABAL

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