

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

FILED  
JUN 14 2006

06 JUN 14 AM 9:17

EH

UNITED STATES OF AMERICA )  
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. )

CLERK OF COURSE

No. 01cv00072 BB-ACE  
ZUNI RIVER BASIN  
ADJUDICATION  
Subarca 3

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 Subarca:

- Tygr Artemis
- Beverly Brooks
- Richard Brooks
- John C. Byington
- Sandi L. Copeland
- Kathleen E. Cornelius
- Sherry M. Gates
- Monika Gauderon
- Urs Gauderon
- Tommy D. Hartsfield
- Martin Luna
- Carolyn Mason
- Dennis Mason
- Denise B. McRae
- Scott W. McRae
- Donald W. Olson

127

Karen Olson  
Donald J. Philippe

Respectfully submitted this 13<sup>th</sup> day of June 2006.

*Bradley S. Bridgewater* (by  
*Paul W. Handler*)

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

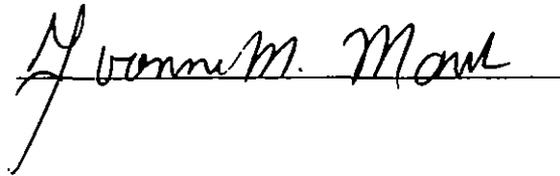
CERTIFICATE OF SERVICE

I hereby certify that on June 13, 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, reading "Yvonne M. Maul", is written over a horizontal line. The signature is positioned to the right of the center of the page.

UNITED STATES OF AMERICA, for Itself )  
 and as Trustec 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, TYGR ARTEMIS, 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: 5/30/06

print or type name:

Tyger Artemis

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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**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**WAIVER OF SERVICE OF SUMMONS**

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

I, BEVERLY BROOKS, 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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Signature:

Beverly J. Brooks

Date: 06/08/06

print or type name: Beverly J. Brooks

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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**No. 01cv00072-BB**

ZUNI RIVER BASIN  
ADJUDICATION

**WAIVER OF SERVICE OF SUMMONS**

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

I, RICHARD BROOKS, 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 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:

Richard H Brooks

Date: June 8, 06

print or type name: Richard H Brooks

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, JOHN C. BYINGTON, 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:

John C. Byington Date: MAY 30, 2006

print or type name: JOHN C BYINGTON

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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 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, SANDI L. COPELAND, 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:

Sandi L. Copeland Date: 6-9-06

print or type name: Sandi L. Copeland

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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 Defendants. )  
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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, KATHLEEN E. CORNELIUS, 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:

Kathleen Cornelius Date: June 5-06

print or type name: KATHLEEN Cornelius

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, MONIKA GAUDERON, 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:

*M. Gauderon.*

Date: 6/9/06

print or type name: Monika Gauderon

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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 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, URS GAUDERON, 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: U. Gauderon Date: 6-9-06  
print or type name: U. Gauderon

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.

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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 and )  
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 ZUNI INDIAN TRIBE, NAVAJO NATION, )  
 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, SHERRY M. GATES, 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 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:

Sherry M Gates Date: 6-09-06

print or type name: Sherry M Gates

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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 Plaintiffs, )  
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 Plaintiffs in Intervention, )  
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 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, TOMMY D. HARTSFIELD, 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 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:

Tommy Hartsfield

Date: 6-10-06

print or type name:

Tommy Hartsfield

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:

8325 FRANK AVE SE

ALBUQUERQUE NM 87109

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.**

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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, )  
 )  
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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, DENISE B. MCRAE, 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:

Denise B. McRae Date: June 8, 2004

print or type name: Denise B. McRae

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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 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, DENNIS MASON, 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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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:

*Dennis D. Mason*

Date: 6-6-06

print or type name: Dennis D. Mason

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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 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, MARTIN LUNA, 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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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: 6/9/06  
print or type name: Martin L Luna

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

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 ENGINEER, )  
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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, CAROLYN MASON, 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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Signature:

Carolyn J. Mason

Date: 6-5-06

print or type name: Carolyn J. Mason

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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 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, KAREN OLSON, 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:

Karen R. Olson

Date: 06-07-06

print or type name:

Karen R. Olson

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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**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.

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, SCOTT W. MCRAE, 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:

*Scott W. McRae*

Date: 6-8-06

print or type name:

SCOTT W. MCRAE

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.

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, )  
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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, DONALD W. OLSON, 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:

Donald W. Olson

Date:

6-7-2006

print or type name:

Donald W. Olson

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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UNITED STATES OF AMERICA, for Itself )  
 and as Trustee for the Zuni Indian Tribe, Navajo )  
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 Plaintiffs in Intervention, )  
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 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, DONALD J. PHILIPPE, 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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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: Donald J. Philippe Date: 6-10-06

print or type name: DONALD J. Philippe

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

Telephone conversation on 6-9-06

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

HC 61, Box 3040  
RAMAH, NM 87321

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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