## 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, No. 01cv00072-BB and: ZUNI INDIAN TRIBE, NAVAJO NATION, ZUNI RIVER BASIN Plaintiffs in Intervention. ADJUDICATION ν. A & R PRODUCTIONS, et al., Defendants.

#### WAIVER OF SERVICE OF SUMMONS

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

I, TROY MERRILL, 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

TROY MERRILL

Signature:	. 11	
Torox	marill_	Date: <u>12-14-06</u>
print or type nam	e: Trny	merrill
If authority here:	you are signing on	behalf of the named party, please indicate the source of your
and print or type		address of the party on whose behalf you are acting here:
Be	20 1827	
Co.	Mup N	1.M. 87305

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

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.	į
	)

#### WAIVER OF SERVICE OF SUMMONS

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

I, PATRICK MITZE, 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</u> & 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 Page 1 PATRICK MITZE

Case 6:01-cv-00	0072/BB-WIPS D	ocument 958-4	Filed 01/18/2007	Page 4 of 58
Signature:	HANT	, D	ate: $\left( \int Z \right) O$	7
print or type name	Patr	ick Mi	tze	
If y authority here:	ou are signing on bel	half of the named p	arty, please indicate th	e source of your
and print or type th	ne full name and addr	ress 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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) 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, SUSAN JANE MORRIS REVOCABLE TRUST, 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.

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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,	) ZUNI RIVER BASII
Plaintiffs in Intervention,	) ADJUDICATION
v.	)
<b>*</b> .	ì
A & R PRODUCTIONS, et al.,	Ś
Defendants.	)

#### WAIVER OF SERVICE OF SUMMONS

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

I, CAROLYN MURRAY, 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.

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Waiver of Service Page 1 CAROLYN MURRAY

Signatu	re: 🚽	,			, ,		
Car	olyn N	Junay		_Date: _/2	410/06		
print or	ℓ     type name: _	Carolyn	Murray				
		<i>- J</i> .	J				
	If you	are signing on b	ehalf of the name	d party, pl	ease indicate	the source of	your
authority		5 5		1 3/1			,
and prin	t or type the	full name and ad	ldress of the party	on whose	behalf you a	re acting here	:
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_	_	_	_	-			

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,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
	)
v.	)
A P. D. DDOYN ICTIONIC -4 -1	)
A & R PRODUCTIONS, et al., Defendants.	)
Deteridants.	,
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### WAIVER OF SERVICE OF SUMMONS

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

I, WILLIAM MURRAY, 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.

Waiver of Service Page 1 WILLIAM MURRAY

Signature:
William B. Murray Date: 12-12-06
print or type name: A/i/liam B. Murray Date: 12-12-06
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:

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,	) ZUNI RIVER BAS	IN
Plaintiffs in Intervention,	) ADJUDICATION	
	)	
v.	)	
A & D DDODLICTIONS -4 -1	)	
A & R PRODUCTIONS, et al.,  Defendants.	)	
Detendants.	)	
	<i>,</i>	

#### WAIVER OF SERVICE OF SUMMONS

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

I, DONALD OUELLETE, 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:
print or type name: DONAID E. Cuellelte
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:

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	)
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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.	) ) )
	<del></del> /

#### WAIVER OF SERVICE OF SUMMONS

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

I, MARGARET POLICH, 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:  Date: Dan 11,06
print or type name: Mayare 1 Polich  Date: Dan 11,06
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:
and print or type the full name and address of the party on whose behalf you are acting here:

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Document 958-4

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
ν.	)
A & R PRODUCTIONS, et al.,	)
Defendants.	)
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## **WAIVER OF SERVICE OF SUMMONS**

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

I, BRYAN D. POLLACK, 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.

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Signature:	Date: 12/22/04
print or type name: Bryan D Polloc	l
If you are signing on behalf of the nauthority here:	named party, please indicate 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**

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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,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
	)
v.	)
A & R PRODUCTIONS, et al.,	}
Defendants.	)
Defendants.	
	/

### WAIVER OF SERVICE OF SUMMONS

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

I, SHERRIE L. POLLACK, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico, ex rel. State Engineer v. A & R Productions, et al.</u>, Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

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Signature:	LPollod	Date: 12-20-	\$ 0\frac{1}{2} 6
print or type name:	Sherrie	Pollar	
If you authority here:	are signing on beha	alf of the named party, please indica	te the source of your
and print or type the	full name and addre	ess of the party on whose behalf you	are acting here:
Upon	agreeing to and cor	mpleting this form, return one signed	d original in the pre-

Keep one copy of this form for your records.

Department of Justice, 1961 Stout Street - 8th 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.

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. 01	ev00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention,	,	RIVER BASIN DICATION
v.	)	
A & R PRODUCTIONS, et al.,  Defendants.	) ) )	

## WAIVER OF SERVICE OF SUMMONS

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

I, FLORENCE DIAN RICHINS, 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:	Dian	iahris_	Date:	10/12/	<u>′06</u>
print or type r	name: D7 A	N Richins	<u> </u>		
authority here		ing on behalf of the	named party,	please indicate	e the source of your
and print or ty	pe the full nam	e and address of the	party on who	se behalf you a	re acting here:
addressed, po		g to and completing lope provided (addr		_	_ <u>-</u>

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**

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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.

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.	)
L a n nn anviorrenza	)
A & R PRODUCTIONS, et al.,	)
Defendants.	)
	)

#### WAIVER OF SERVICE OF SUMMONS

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

I, JOHN F. RIPLEY, 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

JOHN F. RIPLEY

Signature:	- Pary	Date:	12-10-06
print or type name:	John	F	Ripley
If you are si authority here:	gning on behalf of the nan	ned party, p	lease indicate the source of your
and print or type the full na	ame and address of the par	ty 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, JANET FAY SCOTT, 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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Waiver of Service Page 1

JANET FAY SCOTT

Signature:	ou Scott	Date: /2	109/06
print or type name:	JANET 7	ty Scott	
If you authority here:	are signing on behalf of	the named party, ple	ease indicate the source of you
and print or type the	full name and address of	the party on whose 1	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,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) 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, JANNA LEE SCOTT, 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.

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Waiver of Service Page 1

JANNA LEE SCOTT

Signature:	Lee Sent	Date: 12/9/06	
print or type na	me: <u>Janna Lee</u> E	SCOTT	
authority here:	f you are signing on behalf of the	e named party, please indicate the sour	ce of your
and print or typ	e the full name and address of the	e 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
ZIBIT DIDIAN EDIDE MANA TO MARION	)
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, LOUIS HAROLD SCOTT, 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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Signature:	H. Sall	A	Date:	12-06	
print or type name:	Louis 1	H. S.O.	1-/		
If you authority here:	are signing on bel	half of the nan	ned party, pleas	e indicate the sou	rce of you
and print or type the	full name and addi	ress of the par	ty on whose be	half 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,	) 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, RAQUEL SCOTT, 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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Waiver of Service Page 1

RAQUEL SCOTT

Signature: Tagecul Cott	Date: 12-12-06
print or type name: Raquel Sco	
If you are signing on behalf o authority here:	f the named party, please indicate the source of your
and print or type the full name and address o	f 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,	) 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, W.A. SCOTT, 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</u> & 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 W.A. SCOTT

Date: 12-9-06
print or type name: W. A. Scott
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:

Keep one copy of this form for your records.

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

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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, 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, LAURA L. SETZER, 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.

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Waiver of Service Page 1 LAURA L. SETZER

Signature:
Signature: Date: 0/102/07
print or type name: LAURA L. SETZER
If you are signing on behalf of the named party, please indicate the source of yo 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.

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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,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
	)
v.	)
A & R PRODUCTIONS, et al.,	)
Defendants.	,
Defendants.	)
	,

#### WAIVER OF SERVICE OF SUMMONS

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

I, DAVID W. SKINNER, 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.

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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

DAVID W. SKINNER

Signature: David	W. Aken	ne-	Date:	12.31.0	<u>6</u>
print or type name: _	DAVID	W. SK	NHER	<del>-</del>	
If you authority here:	are signing or	n behalf of the	named party,	please indicate	the source of your
and print or type the	full name and	address of the	party on who	ose behalf you a	re 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,	) )
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, LARRY O. SMITH JR., 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: Larry 0 Smth & Date: 12-13-06	
print or type name: Larry O. Smith Jr	
If you are signing on behalf of the named party, please indicate the source of yo authority here:	ur
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 pro-	ρ_

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
CANAL DADIANA EDEDE NAME DO NAMEDO DE	,	
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ZUNI RIVER BASIN
Plaintiffs in Intervention,	)	ADJUDICATION
v.	)	
	j j	
A & R PRODUCTIONS, et al.,	)	
Defendants.	)	

### WAIVER OF SERVICE OF SUMMONS

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

I, ROSEMARY SMITH, 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*.

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 preaddressed, 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.

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.	)
	ý
A & R PRODUCTIONS, et al.,	)
Defendants.	)
	)

#### WAIVER OF SERVICE OF SUMMONS

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

I, BLAYNE R. SPILSBURY, 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

Signatu	ure: Blayer R. Spiler	Date: /2/23/06	
print or	r type name: BLAYNE	-R. Spiesbury	
authori	If you are signing on behalf of ity here:	of the named party, please indicate the so	urce of your
and pri	int or type the full name and address of	of the party on whose behalf you are actin	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.

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Document 958-4

No. 01cv00072-BB
ZUNI RIVER BASIN ADJUDICATION

### WAIVER OF SERVICE OF SUMMONS

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

I, NANETTE B. SPILSBURY, 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! Signature B. Spildeyry Date: 12/23/06
Signature: Date: 12/23/06
print or type name: NANETTE B. SPILSBURY
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:
<del></del>

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,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
v.	<i>)</i> )
	)
A & R PRODUCTIONS, et al.,	)
Defendants.	)
	)

### WAIVER OF SERVICE OF SUMMONS

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

I, TAMPICO SPRINGS 3000, LLC, 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.

Stephen A Kehner   Monage Date: 12-9-06
print or type name: Stephen A Kohner
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
<b>v</b> .	, )
A & R PRODUCTIONS, et al., Defendants.	, ) )
	,

### WAIVER OF SERVICE OF SUMMONS

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

I. David Swindle, Trustee, 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. 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 file and serve on you 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

David Swindle, Trustee

Signature:	Date: _1/7/2007
print or type name: David Swindle	<b>.</b> .
If you are signing on behalf of the na authority here:	med party, please indicate the source of your
and print or type the full name and address of the pa	rty on whose behalf you are acting here:
Upon agreeing to and completing this	s 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.

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.	<b>)</b>
A & R PRODUCTIONS, et al.,	)
Defendants.	)
Deteridants.	,
	,

### WAIVER OF SERVICE OF SUMMONS

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

I, Linda Swindle, Trustee, 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. 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 file and serve on you 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 Linda Swindle, Trustee

Signature:	. Survile	Date: Jan. 7, 2067
print or type name:	. Dwnile Linda J. Swindle	
If you a authority here:	re signing on behalf of the nar	ned party, please indicate the source of your
and print or type the fu	ll name and address of the par	ty 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,	) ZUNI RIVER BASII
Plaintiffs in Intervention,	) ADJUDICATION
	)
v.	)
A & R PRODUCTIONS, et al.,	)
Defendants.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Dolondands.	)

#### WAIVER OF SERVICE OF SUMMONS

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

I, MARY JANE TODD, 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

MARY JANE TODD

Date: 12-14-06
print or type name: MARY JANE Took
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,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
	)
V.	<b>)</b>
A & R PRODUCTIONS, et al.,	)
Defendants.	\ \ \
Dolonouna.	)
	<del></del> /

### WAIVER OF SERVICE OF SUMMONS

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

I, CHARLEEN USREY, 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:	leen (lever	Date: 12-14-06	
print or type name:	MARCEEN C.	Usket	
If you authority here:	are signing on behalf of the	named party, please indicate the source	of you
and print or type the f	ull name and address of the	party on whose behalf you are acting he	re:

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 & D DDODLICTIONS	)
A & R PRODUCTIONS, et al.,	<b>?</b>
Defendants.	_)

### WAIVER OF SERVICE OF SUMMONS

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

I, JENNIFER R. VAN DRUNEN, 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.

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Signature:    On Division   Date: 12   15   0 G
print or type name: Jennifor R. Van Drunen
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.

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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,	) ZUNI RIVER BASIN
Plaintiffs in Intervention,	) ADJUDICATION
v.	)
	)
A & R PRODUCTIONS, et al.,	ý
Defendants.	)
	)

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Waiver of Service Page 1

CHARLES W. VAN DRUNEN

Signature:		Varb	Date: _	12 15 06	
print or type	name:	Charles W.	Van Drunen	<del></del>	
authority her	•	re signing on behalf	of the named party,	please indicate the sou	rce of your
and print or	type the fu	all name and address	of the party on who	se behalf you are acting	here:
					_

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