

**STATE OF NEW MEXICO
COUNTY OF CIBOLA
THIRTEENTH JUDICIAL DISTRICT COURT**

STATE OF NEW MEXICO, ex rel.
State Engineer,

Plaintiff,

vs.

KERR-McGEE CORPORATION, et al.,

Defendants

No. CB-83-190-CV &
CB-83-220-CV Consolidated

**Subproceeding 1 on Past and
Present Use Water Rights of
Pueblos of Acoma and Laguna**

**NOTICE OF UNAVAILABILITY OF CHRIS BANET FOR DEPOSITION ON
SEPTEMBER 21, 2011**

Pursuant to Rule 1-030 (G)(3) NMRA, the Pueblo of Laguna hereby gives notice that Chris Banet is unavailable for deposition on September 21, 2011. Pursuant to prior scheduling discussions among counsel for the Pueblo of Laguna, Tri-State Generation and Transmission Association, Inc., the State of New Mexico, ex rel. State Engineer, the Association of Community Ditches of the Rio San José, the United States, and the Pueblo of Acoma, Mr. Banet's deposition was scheduled for September 22, 2011. Counsel discussed the possibility of conducting his deposition on September 21, 2011 as a matter of convenience in the event that the deposition of another witness scheduled for that day was completed. The Notice of Mr. Banet's deposition included both dates. Notice to Take Deposition Duces Tecum of Chris Banet at 1. On September 13 and 14, 2011, counsel for the Pueblo of Laguna informed counsel for the above-named parties of Mr. Banet's unavailability on September 21, 2011, and none of them objected. Mr. Banet remains available as scheduled on September 22, 2011.

Dated: September 15, 2011

“Electronically Filed”

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the NOTICE OF UNAVAILABILITY OF CHRIS BANET FOR DEPOSITION ON SEPTEMBER 21, 2011 was mailed to the individuals on the attached 21st Amended List of All Active Parties to Subproceeding One (May 2, 2011) who elected service by regular U.S. mail and whose names are not followed by an email address. I further certify, that on this 15th day of September 2011, a copy of the NOTICE OF UNAVAILABILITY OF CHRIS BANET FOR DEPOSITION ON SEPTEMBER 21, 2011 was emailed (but not sent by regular mail) to the individuals who elected service by email, to the email address shown after their names on the attached 21st Amended List of All Active Parties to Subproceeding One (May 2, 2011).

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