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

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, <i>ex rel</i> . STATE	) ) )
ENGINEER,	)
Plaintiffs,	)
	) No. 01cv00072 BB-WDS
and	)
	) ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ADJUDICATION
Plaintiffs in Intervention,	<ul> <li>)</li> <li>) DECLARATION OF GARY A.</li> <li>) DURR IN SUPPORT OF</li> </ul>
	) PLAINTIFF UNITED STATES'
	) MOTION FOR DEFAULT
	) JUDGMENT
	)
V.	) Subfile No. ZRB-3-0057
A & R PRODUCTIONS, et al.	
Defendants.	

I, Gary A. Durr, am employed as a Paralegal Specialist with the Department of Justice and have been assigned to work in support of counsel for the United States in the abovecaptioned case.

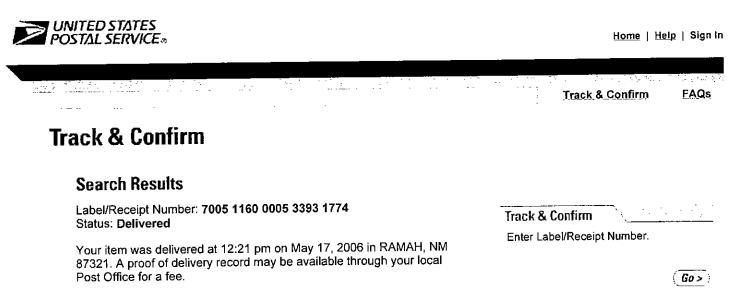
A. Pursuant to the Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-area 7 of the Zuni River Stream System (Doc. No. 561), defendants in the Zuni River Basin Adjudication were sent a service packet that included a proposed Consent Order, Request for Consultation form, Notice of Water Rights Adjudication, a form Answer, and if the defendant had not been served process or had not voluntarily waived such service, a copy of the Amended 2003 Complaint, a Request for Waiver of Service of Summons, and two copies of a Waiver of Service of Summons with a prepaid return envelope. The packet also included a letter from the United States explaining the purpose of the forms and to whom and when documents were to be mailed or provided if the defendant chose to respond. The documents were mailed to the defendant's mailing address via certified mail, return receipt requested.

B. The service packet to Dean W. Fauber (ZRB-3-0057), was mailed to the defendant's address of record. The United States Postal Service misplaced the PS Form 3811 (Domestic Return Receipt), but tracking the certified mailing reveals that the service packet was delivered on May 17, 2006. The Track and Confirm Search Results from the United States Postal Service website is attached to this Declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 26, 2008

GARY A. DURR U.S. Department of Justice 1961 Stout Street - 8<sup>th</sup> Floor Denver, CO 80294 (303) 844-1359



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