

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,)	
)	DECLARATION OF GARY A.
)	DURR IN SUPPORT OF
)	PLAINTIFF UNITED STATES'
)	MOTION FOR DEFAULT
)	JUDGMENT
)	
v.)	Subfile No. ZRB-3-0090
)	
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 above-captioned 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 David S. Kessler and Lisa Kessler (ZRB-3-0090), was mailed to the defendants' address of record, and the return receipt indicates the packet was received on May 15, 2006. A copy of Postal Service Form 3811 is attached to this Declaration.

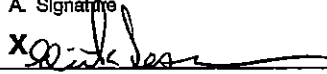
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 26, 2008



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

2 RB-3-0094

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </p> <p>B. Received by (Printed Name) C. Date of Delivery E. Losansen 5/15/08</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>DAVID S KESSLER LISA KESSLER P.O BOX 467 ZUNI, NM 87327</p>	<p>3. Service Type <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> S.O.B.</p> <p><input type="checkbox"/> Insured Mail</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number 7005 1160 0005 3393 2108 (Transfer from service label)</p>		

