

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-4-0123
)	
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-areas 1, 2 and 3 (excluding Ramah) of the Zuni River Stream System (Doc. No. 838), Defendants in the Zuni River Basin Adjudication were provided a service packet that included a proposed Consent Order, Request for Consultation form, Notice of Water Rights Adjudication, 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. Subsequent to the mailing of the service packet, it was discovered that the proposed Consent Order sent in the service packet listed the defendants names incorrectly and a corrected proposed Consent Order was sent to the defendants.

B. The service packet for William Detwiler and Carlotta Detwiler (ZRB-4-0123), was mailed to the Defendants' address of record, and although the signed return receipt was undated, tracking the mailing with the United States Postal Service indicates the packet was received on November 10, 2006. The corrected proposed Consent Order was mailed to the Defendants' address of record and the return receipt indicates the document was delivered on March 14, 2007. Copies of the Postal Service Forms 3811 and tracking results are attached.

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

Dated: December 9, 2008



GARY A. DURR
U.S. Department of Justice
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(303) 844-1359



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Label/Receipt Number: **7005 1820 0005 4854 5046**
 Status: **Delivered**

Your item was delivered at 5:28 pm on November 10, 2006 in VANDERWAGEN, NM 87326. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

Track & Confirm

Enter Label/Receipt Number.

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U.S. Department of Justice



Inspector General

2RB-4-0123

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 checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) WILLIAM A. Detwiler</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>WILLIAM DETWILER, ARTHUR CARELEAN, & CARLOTTA CARELEAN P.O. BOX 117 VANDERWAGEN, NM 87326</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7005 1820 0005 4854 5046</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

203-4-0123 (Restricted CO & Waivers) (letter 2/2/02)

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 checked="" type="checkbox"/> <i>[Signature]</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">William Detwiler Carlotta Detwiler P.O. Box 117 Vanderwagen, NM 87326</p>	<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery <input checked="" type="checkbox"/> Addressee MAR 1 2007 87326 USPS</p> <p>D. Is delivery address different from item 1? If YES, enter delivery address below: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p style="text-align: center;">7005 1820 0005 4743 9711</p>	