

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-4-0136
	)	
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.

B. The service packet for Subfile No. ZRB-4-0136, was mailed to the original defendant's address of record and the return receipt indicates the packet was received on November 15, 2006. Susan Griffin was substituted for the original defendant on January 17, 2008 (Doc. No. 1470). She was provided a copy of the Motion for Substitution of Party (Doc. No. 1426) by certified mail, return receipt requested, and the return receipt indicates the motion was received on January 4, 2008. Copies of Postal Service Form 3811 are 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: January 23, 2009



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

Return to Sub

2RB-4-0136

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> <i>Susan Griffin</i> <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p>	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
<p>SUSAN GRIFFIN          HC 61, BOX 838          RAMAH, NM 87321</p>			1/21/08
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
7006 3450 0002 2033 3686			
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

2RB-4-0136

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> <i>Cheryl H. Duty</i> <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p>	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
<p>CHERYL H. DUTY          848 N. RAINBOW #1438          LAS VEGAS, NV 89107</p>			1/15
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
7006 3450 0002 2033 3686			
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	