

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 SUMMARY
)	JUDGMENT
)	
v.)	Subfile No. ZRB-1-0100
)	
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. Defendants in the Zuni River Basin Adjudication, Sub-areas 4 and 8, pursuant to the Special Master's Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-areas 4 and 8 of the Zuni River Stream System (Doc. No. 387), were sent a service packet that included a proposed Consent Order prepared by Natural Resources Consulting Engineers, Inc. and signed by counsel for the United States and counsel for the State

of New Mexico; Request for Consultation form; a form Answer; 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 the Joann Strickland Trust, ZRB-1-0048, was mailed and the return receipt indicates the packet was received by Joann Strickland on October 11, 2005. A copy of Postal Service Form 3811 is attached to this Declaration.

C. The United States has never received a Request for Consultation for Subfile No. ZRB-1-0100.


D. On February 24, 2006 (Doc. No. 495) a Subfile Answer for Subfile No. ZRB-1-0100 was filed with the Court and on March 2, 2006 a copy of that Answer was received in my office.

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

Dated: January 5, 2009

A handwritten signature in black ink, appearing to read "Gary A. Durr". The signature is fluid and cursive, with a prominent initial "G" and a long, sweeping underline.

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

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>1. Article Addressed to: 1 - 0100</p>	<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery 10/11/05</p>
<p>Joann Strickland Trust P.O. Box 2554 Milan, NM 87021</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>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 1160 0005 3392 6473</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>		