

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-4-0264
)	
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 Junious O. McSpadden and Dixie A. McSpadden (ZRB-4-0264), was mailed to the Defendants' address of record, and although the return receipt does not include a year the receipt was signed, tracking the mailing with the United States Postal Service indicates the packet was delivered on November 17, 2006. A copy of Postal Service Form 3811 and the tracking results 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: February 18, 2009



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



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Track & Confirm

Search Results

Label/Receipt Number: **7005 1820 0005 4855 1795**
 Status: **Delivered**

Your item was delivered at 3:20 pm on November 17, 2006 in CHANDLER, AZ 85225. 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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7005-4-0264

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>1. Article Addressed to:</p> <p style="text-align: center; font-size: 1.1em;">JUNIOUS O. MCSPADDEN & DIXIE A. MCSPADDEN 749 W. OAKLAND ST. CHANDLER, AZ 85225</p>	<p>A. Signature X <i>Dixie A. McSpadden</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery _____ 11/17</p> <p>D. Is delivery address different from Item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number: 7005 1820 0005 4855 1795 (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>

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