

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-4-0272
	)	
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 Sheri Lee Mitchell (ZRB-4-0272), was mailed to the Defendant's address of record, and the return receipt indicates the packet was received on December 4, 2006. A copy of Postal Service Form 3811 is attached to this Declaration. On October 31, 2008 a revised Consent Order was sent to the Defendant's address of record and was returned and marked "Unclaimed" the U.S. Postal Service. A copy of the envelope is attached to this Declaration.

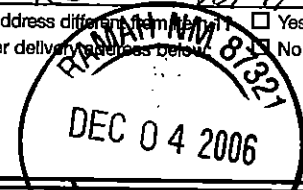
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 18, 2009



---

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

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 <span style="float: right;"><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</span></p> <p><i>Sheri Lee</i></p>	
<p>1. Article Addressed to:</p> <p>JOHN M. MITCHELL &amp; SHERI LEE MITCHELL P.O. BOX 2404 GLOBE, AZ 85502</p>	<p>B. Received by (Printed Name)</p> <p><i>Sheri Lee</i></p>	<p>C. Date of Delivery</p> <p><i>12/4/06</i></p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from label? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If YES, enter delivery address below</p> <p><i>SH</i></p> <p style="text-align: center;">  </p>	
	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <span style="margin-left: 100px;"><input type="checkbox"/> Express Mail</span></p> <p><input type="checkbox"/> Registered <span style="margin-left: 100px;"><input type="checkbox"/> Return Receipt for Merchandise</span></p> <p><input type="checkbox"/> Insured Mail <span style="margin-left: 100px;"><input type="checkbox"/> C.O.D.</span></p>	
	<p>4. Restricted Delivery? (Extra Fee) <span style="float: right;"><input type="checkbox"/> Yes</span></p>	
	<p>7005 1820 0005 4853 9588</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Bradley S. F  
 U.S. Depart  
 Env & Natural Resources Division  
 1961 Stout Street - 8th Floor  
 Denver, CO 80294

*Rev CO*      *2008 4 27 2*

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 <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <hr/> <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 style="text-align: center; padding: 20px;">Sheri Lee Mitchell                  625 W. Hackney                  Globe, AZ 85501</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered        <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail       <input type="checkbox"/> C.O.D.</p> <hr/> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number                  (Transfer from service label)</p>	<p style="text-align: center; font-size: 1.2em;">7006 3450 0002 2033 4591</p>
<p>PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540</p>	

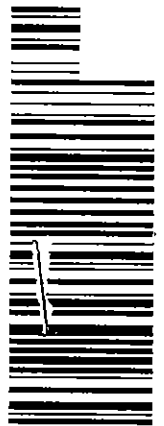
- Undeliverable as Addressed
- Moved/Left No Address
- Unclaimed
- Refused
- Attempted, Not Known
- No Such Street
- No Such Number
- No Receipt
- Deceased
- Vacant



NOV 20 2008  
 NOV 13 2008  
 NOV 20 AM  
 85501

Sheri Lee Mitchell  
 625 W. Hackney  
 Globe, AZ 85501

7006 3450 0002 2033 4591



2008 DEC -8 AM 11:08

DENVER, CO