

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-3-0131
	)	
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-area 7 of the Zuni River Stream System (Doc. No. 561), defendants in the Zuni River Basin Adjudication were sent a service packet that included a proposed Consent Order, Request for Consultation form, Notice of Water Rights Adjudication, a form Answer, 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 defendants' mailing address or counsel of record via certified mail, return receipt requested.

B. The service packet for Timothy H. Pointer and Patsy Pointer (ZRB-3-0131), was mailed to the Defendants' address of record on May 24, 2006 and the packet was returned by the United States Postal Service as unclaimed. 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: April 1, 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

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

Filed 04/09/2009

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Official Business  
Penalty for Private Use \$300

U.S. Envelope  
1961 Stout Street - 8th Floor  
Denver, CO 80294

- 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.

1. Article Addressed to:

TIMOTHY H POINTER  
PATSY POINTER  
HCR 2, BOX 23  
RAMAH, NM 87321

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7005 1820 0005 4851 4806

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



~~TIMOTHY H POINTER  
PATSY POINTER  
HCR 2, BOX 23  
RAMAH, NM 87321~~

5-24

06 AUG 10 01 59 AM '06

*mailmark*

NAME \_\_\_\_\_  
1st Notice \_\_\_\_\_  
2nd Notice 6/22/06  
Return \_\_\_\_\_

KAT2406  
CO  
FOR PERMIT  
PRINTED  
USE \$300  
METER  
8500178  
U.S. POSTAL  
7.28

06 AUG 10 AM