## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, and	)	
STATE OF NEW MEXICO ex rel. STATE	)	
ENGINEER,	)	
	)	
Plaintiffs,	)	
	)	
and	)	No. 01CV00072-MV/WPL
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ZUNI RIVER BASIN ADJUDICATION
Plaintiffs in Intervention,	)	
	)	Subfile No. ZRB-1-0077
v.	)	
	)	
A & R PRODUCTIONS, et al.,	)	
	)	
Defendants.	)	
	)	
	)	

## <u>DECLARATION OF KARMEN MILLER IN SUPPORT OF PLAINTIFFS'</u> <u>MOTION FOR DEFAULT JUDGMENT</u>

- I, Karmen Miller, 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 Amended 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), 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

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Adjudication, 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 defendants chose to respond.

The documents were mailed to the Defendants' mailing address via certified mail, return receipt

requested.

B. The service packet to Johanna F. O'Neill, Colin E. O'Neill, & Gregory C.

Frank (ZRB-1-0077), was mailed to the Defendants. The original Postal Service Form 3811,

Domestic Return Receipt was returned signed and dated January 13, 2006. A copy of Postal

Service Form 3811 is attached to this declaration.

C. A revised Consent Order was emailed to Defendants' counsel of record at

the time on July 2, 2015. However, on April 18, 2016, this Court granted Tanya L. Scott and

Law & Resource Planning Associates, P.C.'s, motion to withdraw as counsel of record due to the

fact all contact with the subfile Defendants was lost (Doc. No. 3249).

D. A Notice That The Consultation Period Has Ended (Doc No. 3265) was

filed with the Court and mailed to Defendants' last known address on May 16, 2016. We

received no response from the Defendants.

I declare under penalty of perjury under the laws of the United States of America

that the foregoing is true and correct.

Dated: June 24, 2016

/s/ Karmen Miller

KARMEN MILLER

U.S. Department of Justice

999 18th Street, Suite 370

South Terrace

Denver, CO 80202

(303) 844-1481

ZRB-	1-0077		
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<ul> <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>	A. Signature  X		
Colin E. and Johanne F. O'Neill and Gregory C. Frank	If YES, enter delivery address below:		
343 Baker Lane Erie, CO 80516	3. Service Type Certified Mail Registered Insured Mail C.O.D.		
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PS Form 3811, February 2004 Domestic F	Return Receipt 102595-02-M-1540		

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