

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.	)	
	)	
A & R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
	)	

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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 entitled 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, 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 to Diana McGuerty, ZRB-1-0063, was mailed to the defendant's address of record. A copy of Postal Service Form 3811, Domestic Return Receipt, was never received; however, tracking the certified mailing with the U.S. Postal Service indicates that the packet was delivered at 12:39 PM, September 30, 2005 (attached).

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

Dated: November 13, 2007



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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



Date: 06/15/2007

GARY DURR:

The following is in response to your 06/15/2007 request for delivery information on your Certified item number 7005 1160 0005 3392 6404. The delivery record shows that this item was delivered on 09/30/2005 at 12:39 PM in SAN JOSE, NM 87565. The scanned image of the recipient information is provided below.

Delivery Section

Signature of Recipient:

Diana McGuerty  
Diana McGuerty

Address of Recipient:

HE 72  
PO Box 587

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service