

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-3-0147
)	
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 defendant's mailing address or counsel of record via certified mail, return receipt requested.

B. The service packet for Sierra Land Group, Inc. (ZRB-3-0147), was mailed to the defendant's address of record, ^{1/} and although the return receipt is undated, tracking the mailing with the United States Postal Service (USPS) indicates the packet was received on June 13, 2006. A copy of Postal Service Form 3811 and the Track & Confirm Search Results from the USPS website 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 14, 2008



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

^{1/} Bruce Boynton III, did not file an Entry of Appearance on behalf of Sierra Land Group, Inc., until October 16, 2007, Doc. No. 1313.



Track & Confirm

FAQs

Track & Confirm

Search Results

Label/Receipt Number: 7005 1820 0005 4851 4981
Status: Delivered

Your item was delivered at 1:14 pm on June 13, 2006 in FENCE LAKE, NM 87315. 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.

Go >

[Restore Offline Details >](#)



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728-3-0147

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>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <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>SIERRA LAND GROUP, INC. P.O. BOX 743 FENCE LAKE, NM 87315</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> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7005 1820 0005 4851 4981</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540