

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-3-0110   |
|   | ) |                          |
| 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), as amended by the Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers (Doc. No. 837), 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, 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 Piera Medici (ZRB-3-0110), was mailed to the Defendant's address of record, and the return receipt indicates the packet was received on March 10, 2008. A copy of Postal Service Form 3811 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: June 20, 2008



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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

Per Co 2RB-3-0110

| 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> | A. Signature<br>X. <i>Piera Medici</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee   |                                       |
| 1. Article Addressed to:  | B. Received by (Printed Name)<br><i>PIERA MEDICI</i>  | C. Date of Delivery<br><i>3-10-08</i> |
| PIERA MEDICI<br>1420 CRESCENT DR., N.W.<br>ALBUQUERQUE, NM 87105  | D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No   |                                       |
|   | 3. Service Type<br><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. |                                       |
| 2. Article Number<br>(Transfer from service label)  | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes  |                                       |
|   | 7006 3450 0002 2033 3914  |                                       |