Case 6:01-cv-00072-BB-WDS Document 1870 Filed 09/16/2008 Page 1 of 18

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,)) No. 01cv00072 BB
and)
) ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,) ADJUDICATION
Plaintiffs in Intervention,)
v.)
A & R PRODUCTIONS, et al.)
Defendants.))
	

NOTICE OF FILING PROOF OF SERVICE OF SUMMONS

The United States of America ("United States") hereby states that pursuant to Fed. R. Civ. P. 4(e) the following defendants were served with process in the above-captioned matter.

<u>Defendant</u>	Subfile No.	<u>Date of Service</u>
Richard Eberly	7RR_/_0138	August 17, 2008
Patricia K. Eberly		August 17, 2008 August 17, 2008
Dorothy Schnaidt		September 8, 2008
Marie Loran Sioux	ZRB-4-0047	September 6, 2008
Dana Binnion	ZRB-1-0030	August 27, 2008

Dated: September 16, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 16, 2008, I filed the foregoing Notice of Filing Proof of Service of Summons electronically through the CM/ECF system, which caused CM/ECF participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Bradley S. Bridgewater

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District of New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

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

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Richard Eberly 948 W. Isabella Mesa, AZ 85210

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BRADLEY S. BRIDGEWATER United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

DATE

Monday, August 13, 2007

CLERK

Natalie A. Marez

Matt Dykman

(By) DEPUTY CLERK

Case 6:01-cv-00072-BB-WDS Document 1870 Filed 09/16/2008 Page 5 of 18

◆AO 440 (Rev. 8/01) Summons in a Civil Action RETURN OF SERVICE DATE Service of the Summons and complaint was made by me(1) NAME OF SERVER (PRINT) TITLE Check one box below to indicate appropriate method of service ☐ Served personally upon the defendant. Place where served: ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: ☐ Returned unexecuted: ☐ Other (specify): _____ STATEMENT OF SERVICE FEES TRAVEL SERVICES TOTAL **DECLARATION OF SERVER** I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on _____ Signature of Server Address of Server SEE ATTACHED AFFIDAVIT OF SERVICE

IN THE

UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO: 01CV00072-BB

VS.

A. & R. PRODUCTIONS, ET AL.,

AFFIDAVIT OF SERVICE OF:

SUMMONS AND AMENDED COMPLAINT

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 17th day of August, 2008, at 10:22 AM, at the address of 948 W ISABELLA, MESA, Maricopa County, AZ 85210; this affiant served the above described documents upon RICHARD EBERLY, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with RICHARD EBERLY, NAMED DEFENDANT, A white male approx. 55-65 years of age with gray hair, a mustache, and a beard.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

DATED this 17th day of August, 2008.

Rich Kingdon, Reg. # 7238 Maricopa, AZ

SUBSCRIBED AND SWORN to before me this 17th day of August, 2008

NOTARY PUBLIC in and for the State of Arizona

Residing at: MARICOPA CTU

My Commission Expires: 8/22/1-

FOR: **U S Dept of Justice - Denver** ORIGINAL PROOF OF SERVICE

Michael P. Tannery Notary Public - Arizona Maricopa County My Commission Expires August 22, 2010



Tracking #: **5657873** SEA

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District of New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

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

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Patricia K. Eberly 948 W. Isabella Mesa, AZ 85210

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BRADLEY S. BRIDGEWATER United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) ____ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Monday, August 13, 2007 CLERK DATE Natelie A. Marez

(By) DEPUTY CLERK

	I.	RETURN OF SERVICE	
Service of	f the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF S	ERVER (PRINT)	TITLE	
Check o	one box below to indicate appropriate metho	d of service	
	Served personally upon the defendant. Place		
0	Left copies thereof at the defendant's dwelling discretion then residing therein.	g house or usual place of abode with a	person of suitable age and
	Name of person with whom the summons and	complaint were left:	
	Returned unexecuted:		
	Other (specify):		
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		· · · · · · · · · · · · · · · · · · ·	TOTAL
	<u>DE</u>	CLARATION OF SERVER	
l	I declare under penalty of perjury under pentained in the Return of Service and Statement executed on	of Service Fees is true and correct.	
	Aa	ddress of Server	
	SEE ATTACHED AFFIDA	VIT OF SERVICE	

UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO: 01CV00072-BB

VS.

A. & R. PRODUCTIONS, ET AL.,

AFFIDAVIT OF SERVICE OF:

SUMMONS AND AMENDED COMPLAINT

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 17th day of August, 2008, at 10:22 AM, at the address of 948 W ISABELLA, MESA, Maricopa County, AZ 85210; this affiant served the above described documents upon PATRICIA K. EBERLY, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with RICHARD EBERLY, CO-RESIDENT, A white male approx. 55-65 years of age with gray hair, a mustache, and a beard, a person of suitable age and discretion residing at the respondent's usual place of abode listed above.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Affiant hereby states under penalty of perjury under the laws of the State of **New Mexico** that the statement above is true and correct.

Rich Kingdon, Reg. # 7238, Maricopa, AZ

SUBSCRIBED AND SWORN to before me this 17th day of August, 2008

NOTARY PUBLIC in and for the State of Arizona

FOR: **U S Dept of Justice - Denver** ORIGINAL PROOF OF SERVICE

Michael P. Tannery
Notary Public - Arizona
Maricopa County
My Commission Expires
August 22, 2010



Tracking #: **5657872** SEA

Filed 09/16/2008

Page 10 of 18

SAO 440 (Rev. 8/01) Summons in a Civil Action

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New Mexico District of

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

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

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Dorothy Schnaidt 17500 E. Palmdale Blvd Llano, CA 93544

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BRADLEY S. BRIDGEWATER United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Wednesday, August 08, 2007

CLERK

Natelie A. Marez

(By) DEPUTY CLERK

DATE

	ETURN OF SERVICE
Service of the Summons and complaint was made by me(1)	DATE
NAME OF SERVER (PRINT)	TITLE
Check one box below to indicate appropriate method	of service
☐ Served personally upon the defendant. Place w	where served:
☐ Left copies thereof at the defendant's dwelling discretion then residing therein.	house or usual place of abode with a person of suitable age and
Name of person with whom the summons and c	complaint were left:
Other (specify):	
CT A T	EMENT OF SERVICE FEES
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DEC	CLARATION OF SERVER
Executed on	nature of Server
Ado	dress of Server

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA AND STATE OF NEW MEXICO, EX REL. STATE ENGINEER, AND ZUNI INDIAN TRIBE, ET AL.

Plaintiff/Petitioner

vs. A. & R. PRODUCTIONS, ET AL.,

Hearing Date:

CAUSE NO: 01CV00072-BB

AFFIDAVIT OF SERVICE OF:
SUMMONS AND AMENDED COMPLAINT

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 8th day of September, 2008, at 6:53 PM, at the address of 2631 W BARROW Drive, CHANDLER, Maricopa County, AZ 85224; this affiant served the above described documents upon DOROTHY SCHNAIDT, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with LAURA SAUNDERS, RESIDENT, A white female approx. 40-45 years of age with brown hair, a person of suitable age and discretion residing at the respondent's usual place of abode listed above.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Affiant hereby states under penalty of perjury under the laws of the State of **New Mexico** that the statement above is true and correct.

Rich Kingdon, Reg. # 7238, Maricopa, AZ

Michael P. Tannery
Notary Public - Arizona
Maricopa County
My Commission Expires
August 22, 2010

SUBSCRIBED AND SWORN to before me this 9th day of September, 2008

NOTARY PUBLIC in and for the State of Arizona

FOR: **U.S. DEPT. OF JUSTICE, ENVIRONMENTAL AND NATURAL RESOURCES DIVISION**ORIGINAL PROOF

PROOF OF SERVICE



Filed 09/16/2008

Page 13 of 18

	NAO 440 €	(Rev. 8/01)	Summons (in a	Civil	Action
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UNITED STATES DISTRICT COURT

New Mexico District of

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

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

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Marie Loran Sioux 19200 W. Southern Ave Buckeye, AZ 85326

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BRADLEY S. BRIDGEWATER United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294 Phone: (303) 844-1359

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

DATE

Thursday, August 09, 2007

CLERK

(By) DEPUTY CLERK

Case 6:01-cv-00072-BB-WDS Document 1870 Filed 09/16/2008 Page 14 of 18

		RETURN OF SERVICE	<u> </u>
ervice of the Summons and	complaint was ma	de by me ⁽¹⁾	
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IN THE

UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Hearing Date:

Plaintiff/Petitioner CAUSE NO: 01CV00072-BB

VS.

A. & R. PRODUCTIONS, ET AL.,

AFFIDAVIT OF SERVICE OF:

SUMMONS AND AMENDED COMPLAINT

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 6th day of September, 2008, at 9:43 AM, at the address of 19200 W SOUTHERN Avenue, BUCKEYE, Maricopa County, AZ 85326; this affiant served the above described documents upon MARIE LORAN SIOUX, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with MARIE LORAN SIOUX, NAMED DEFENDANT, A white female approx. 45-55 years of age with brown hair.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

DATED this 8th day of September, 2008.

Rich Kingdon, Reg. # 7238, Maricopa, AZ

SUBSCRIBED AND SWORN to before me this 8th day of September, 2008

Michael P. Tannery
Notary Public - Arizona
Maricopa County
My Commission Expires
August 22, 2010

NOTARY PUBLIC in and for the State of Arizona

Residing at: MALICOPA CTY
My Commission Expires: 8/22/0

FOR: U S Dept of Justice - Denver ORIGINAL PROOF OF SERVICE

Tracking #: **5657866** SE

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District of

New Mexico

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, ET AL.

SUMMONS IN A CIVIL CASE

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

CASE NUMBER: 01cv00072-BB

TO: (Name and address of Defendant)

Dana Binnion HC 61, Box 44 Ramah, NM 87321

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BRADLEY S. BRIDGEWATER United States Department of Justice Environment and Natural Resources Division 1961 Stout Street - 8th Floor Denver, CO 80294

an answer to the complaint which is served on you with this summons, within twenty (20)	days after service
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will	be taken against you
for the relief demanded in the complaint. Any answer that you serve on the parties to this action m	nust be filed with the
Clerk of this Court within a reasonable period of time after service.	

Monday, August 20, 2007

CLERK

(By) DEPUTY CLERK

DATE

		RETURN OF SERVICE	
ervice of	f the Summons and complaint was made by me	DATE	
	ERVER (PRINT)		
VIE OF 3.	ERVER (FRINT)	TITLE	
Check o	one box below to indicate appropriate meth	ood of service	
	Served personally upon the defendant. Place	e where served:	
	Left copies thereof at the defendant's dwelli discretion then residing therein.	ng house or usual place of abode with	a person of suitable age and
	Name of person with whom the summons ar	nd complaint were left:	
	Returned unexecuted:		
•			
	Other (specify):		
		TEMENT OF SERVICE FEES	
VEL	SERVICES		TOTAL
	D	ECLARATION OF SERVER	
CO	ntained in the Return of Service and Statemen	nt of Service Fees is true and correct.	erica that the foregoing information
	ecuted on	nt of Service Fees is true and correct. Signature of Server	
	Date S	nt of Service Fees is true and correct.	
	Date S	nt of Service Fees is true and correct. Signature of Server Address of Server	
	Date S	nt of Service Fees is true and correct. Signature of Server Address of Server	
	Date S	nt of Service Fees is true and correct. Signature of Server Address of Server	

IN THE UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO: 01CV00072-BB

A. & R. PRODUCTIONS, ET AL.,

AFFIDAVIT OF SERVICE OF: SUMMONS AND AMENDED COMPLAINT

Defendant/Respondent

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 27th day of August, 2008, at 7:14 PM, at the address of 5190 SHAW Lane, DENTON, Denton County, TX 76208; this affiant served the above described documents upon DANA BINNION, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with DANA BINNION, NAMED DEFENDANT, A white female approx, 40-45 years of age 5'10"-6'0" in height weighing 180-200 lbs with brown hair.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

DATED this 7th day of September, 2008.

Henry B. Mastellar, Reg. # SC000000836, TX

SUBSCRIBED AND SWORN to before me this 7th day of September, 2008

NOTARY PUBLIC in and for the State of Texas

Residing at: My Commission Expires:

ORIGINAL PROOF OF FOR: U S Dept of Justice - Denver **SERVICE**

Tracking #: 5657744 SEA

LIZA A. ORTIZ Notary Public, State of Texas My Commission Expires September 25, 2011