

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
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>	<u>Subfile No.</u>	<u>Date of Service</u>
Richard Eberly	ZRB-4-0138	August 17, 2008
Patricia K. Eberly	ZRB-4-0138	August 17, 2008
Dorothy Schnaidt	ZRB-1-0092	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.

/s/
Bradley S. Bridgewater

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

UNITED STATES DISTRICT COURT

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.

Matt Dykman

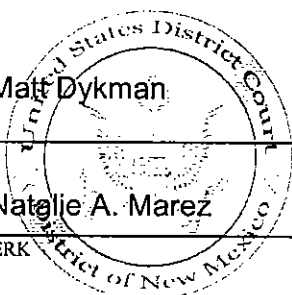
Monday, August 13, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK



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

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
--	------

NAME OF SERVER (<i>PRINT</i>)	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 _____ Date _____ *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.,

Plaintiff/Petitioner

vs.

A. & R. PRODUCTIONS, ET AL.,

Defendant/Respondent

Hearing Date:

CAUSE NO:
01CV00072-BB

AFFIDAVIT OF SERVICE OF:
SUMMONS AND AMENDED COMPLAINT

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.

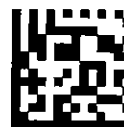
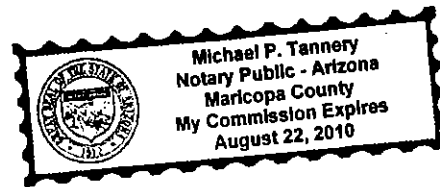
DATED this **17th day of August, 2008.**

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 CTY
My Commission Expires: 8/22/10



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

Tracking #: 5657873 SEA



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

UNITED STATES DISTRICT COURT

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

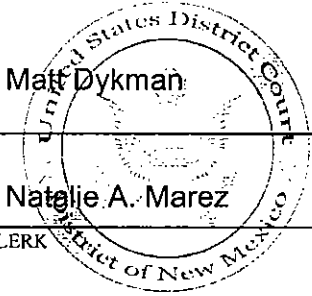
TO: (Name and address of Defendant)

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.



Matt Dykman

Monday, August 13, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK

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

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> 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: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<input type="checkbox"/> 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 _____ Date _____ Signature of Server _____		
_____ Address of Server _____		
SEE ATTACHED AFFIDAVIT OF SERVICE		

UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, ET AL.,

Plaintiff/Petitioner

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

Defendant/Respondent

Hearing Date:

CAUSE NO:
01CV00072-BB

AFFIDAVIT OF SERVICE OF:
SUMMONS AND AMENDED COMPLAINT

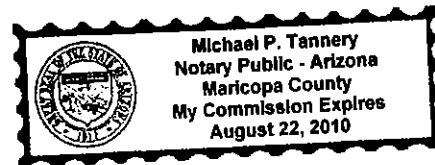
The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority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

Tracking #: 5657872 SEA



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

UNITED STATES DISTRICT COURT

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

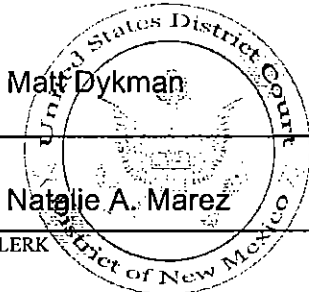
TO: (Name and address of Defendant)

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.



Mat Dykman

Wednesday, August 08, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK

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

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> 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: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<input type="checkbox"/> 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 _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Date <i>Signature of Server</i> </div> <div style="text-align: center; margin-top: 20px;"> _____ <i>Address of Server</i> </div>		
SEE ATTACHED AFFIDAVIT OF SERVICE		

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.,

Defendant/Respondent

Hearing Date:

CAUSE NO:
01CV00072-BB

AFFIDAVIT OF SERVICE OF:
SUMMONS AND AMENDED COMPLAINT

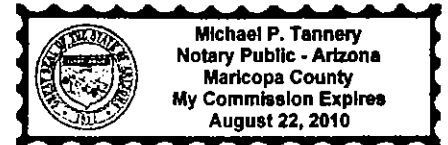
The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority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



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

Tracking #:

PROOF
OF
SERVICE

5260153 SEA



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

UNITED STATES DISTRICT COURT

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)

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.

Mat Dykman

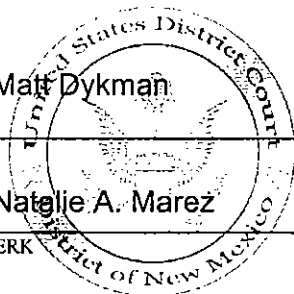
Thursday, August 09, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK



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

RETURN 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 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 _____ Date _____ 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.,

Plaintiff/Petitioner

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

Defendant/Respondent

Hearing Date:

CAUSE NO:
01CV00072-BB

AFFIDAVIT OF SERVICE OF:
SUMMONS AND AMENDED COMPLAINT

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.

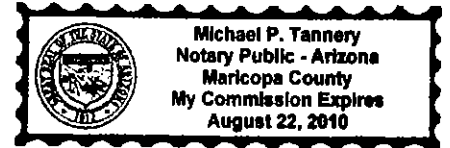
On the **6th day of September, 2008, at 9:43 AM**, at the address of **19200 W SOUTHERN Avenue, BUCKEYE, Maricopa County, AZ 85326**; this affiant served the above described documents upon **MARIE LORAN SIOUX**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting 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



NOTARY PUBLIC in and for the State of **Arizona**

Residing at: MARICOPA ^{CO}
My Commission Expires: 8/22/10



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

Tracking #: **5657866 SEA**



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

UNITED STATES DISTRICT COURT

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

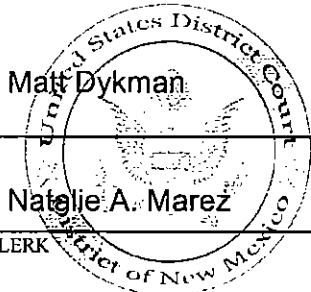
TO: (Name and address of Defendant)

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 must be filed with the Clerk of this Court within a reasonable period of time after service.



Matt Dykman

Monday, August 20, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK

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

RETURN 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 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 _____ Date _____ 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.,

Plaintiff/Petitioner

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

Defendant/Respondent

Hearing Date:

CAUSE NO: 01CV00072-BB

AFFIDAVIT OF SERVICE OF: SUMMONS AND AMENDED COMPLAINT

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.

[Signature of Henry B. Mastellar]
Henry B. Mastellar, Reg. # SC000000836, TX

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

[Signature of Liza A. Ortiz]
NOTARY PUBLIC in and for the State of Texas
Residing at: [Signature]
My Commission Expires: 9-25-11



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

Tracking #: 5657744 SEA

