

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>
Daniel F. Howes	ZRB-4-0189	February 13, 2009
Timothy H. Pointer	ZRB-3-0131	February 26, 2009
Patsy Pointer	ZRB-3-0131	February 26, 2009
Robert M. Grace	ZRB-4-0164	February 23, 2009
Audrey Morano	ZRB-5-0001	February 24, 2009

Dated: March 3, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER

U.S. Department of Justice  
1961 Stout Street - 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1359

COUNSEL FOR THE UNITED STATES



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)

Daniel F. Howes
HC 61, Box 799
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
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

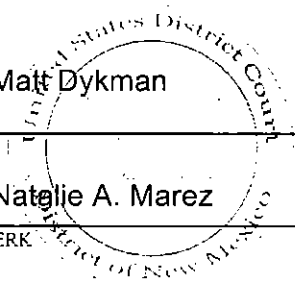
Monday, August 13, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK



CV 09-

**SHERIFF'S RETURN AND DAY BOOK ENTRY**  
STATE OF SOUTH DAKOTA, County of Lincoln

**Received From:**  
ABC Legal Services

633 Yesler Way Seattle, Wa.  
98104

**Plaintiff** United States of America and State of New Mexico, ex rel. State Engineer, Plaintiffs, and Zuni Indian Tribe et al.

**Defendant:** A.&R. Productions, et al. (Daniel Howes)

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I, Bill Entringer-Deputy Sheriff, of Lincoln County, South Dakota, hereby certify and return that the annexed,

**Summons and Amended Complaint**

Came into my hands on 02/13/09 for service on Daniel Howes, and that I

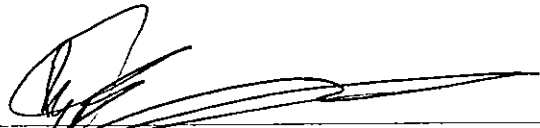
- Served personally by delivering to and leaving a true copy thereof
- Substituted service at his/her dwelling in Lincoln County, South Dakota, in the presence of and with a member of his/her family over the age of fourteen years, to-wit:
- Return Unserved because of the following reason:

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In Lincoln County, State of South Dakota, on Friday, February 13, 2009

Miles Travelled: 48	Cost of Service: \$25.00
	Mileage Cost: \$20.64
	<hr/> Total Fees: \$45.64

Please make checks payable to  
**LINCOLN COUNTY SHERIFF**  
128 N Main, Canton SD 57013




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Bill Entringer-Deputy Sheriff

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)

Timothy H. Pointer
HC2, Box 23
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
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

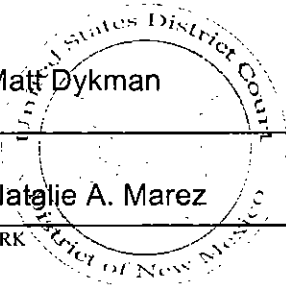
Monday, August 06, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK



RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 2/26/09
NAME OF SERVER (PRINT) GARY A. DURA	TITLE Paralegal

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): Certified mail - restricted delivery on February 26, 2009

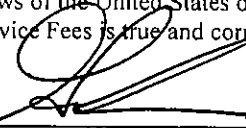
STATEMENT OF SERVICE FEES

TRAVEL	SERVICES \$10.55	TOTAL \$10.55
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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 3/2/2009  
Date

  
Signature of Server

1961 Stout St - 8th Floor, Denver, CO 80294  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

*Sum*

*266-30131*

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 <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to:  Timothy H. Pointer HC 61, Box 23 3023 Ramah, NM 87321	B. Received by (Printed Name) <i>Timothy Pointer</i> C. Date of Delivery <i>2-26-09</i>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes
7008 1830 0000 5321 4714	



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)

Patsy Pointer
HC2, Box 23
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
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

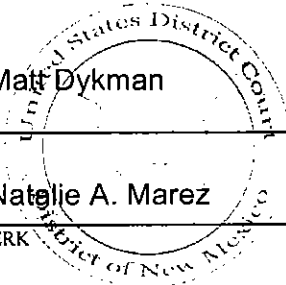
Monday, August 06, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK



**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 2/26/09
NAME OF SERVER (PRINT) GARY A. DURR	TITLE Paralegal

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): Certified mail - restricted delivery on February 26, 2009

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES \$10.55	TOTAL \$10.55
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**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 3/2/09 Date [Signature] Signature of Server

1961 Stout St - 8th Floor, Denver, CO 80202  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

*Sum* 206 3-0131

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>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Patsy Pointer</i> <span style="float: right;"><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</span></p> <p>B. Received by <i>(Printed Name)</i>  <i>Patsy Pointer</i></p> <p>C. Date of Delivery  <i>2.26.09</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes                      If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center; padding: 20px 0;"> <i>Patsy Pointer</i>                      HC 61, Box <del>25</del> <i>3023</i>                      Ramah, NM 87321                 </p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <span style="margin-left: 20px;"><input type="checkbox"/> Express Mail</span></p> <p><input type="checkbox"/> Registered <span style="margin-left: 20px;"><input type="checkbox"/> Return Receipt for Merchandise</span></p> <p><input type="checkbox"/> Insured Mail <span style="margin-left: 20px;"><input type="checkbox"/> C.O.D.</span></p>
<p>2. Article Number</p> <p><i>(Transfer from service is</i>      <b>7008 1830 0000 5321 4721</b></p>	
<p>4. Restricted Delivery? <i>(Extra Fee)</i>      <input checked="" type="checkbox"/> Yes</p>	

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)

Robert M. Grace
P.O. Box 837
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
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

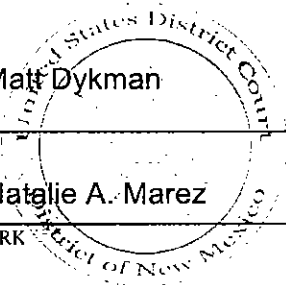
Monday, August 13, 2007

CLERK

DATE

Natalie A. Marez

(By) DEPUTY CLERK



**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>2/23/09</u>
NAME OF SERVER (PRINT) <u>GARY A. DURA</u>	TITLE <u>Paralegal</u>

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): Certified mail restricted delivery on FEBRUARY 23, 2009

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES <u>\$10.55</u>	TOTAL <u>\$10.55</u>
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**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 3/2/09  
Date

[Signature]  
Signature of Server

1961 Stout St - 8th Floor, Denver, CO 80294  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

*Sm* *AB-4-0164*

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>	<p>A. Signature  <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p style="text-align: center;">Robert M. Grace                  P.O. Box 837                  Ramah, NM 87321</p>	<p>B. Received by (Printed Name)  <i>ROBERT GRACE</i></p>	<p>C. Date of Delivery  <i>2.23.09</i></p>
<p>2. Article Number                  (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>7008 1830 0000 5321 4707</p>		

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)

Audrey Morano
P.O. Box 614
Zuni, NM 87327

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.

Mat Dykman

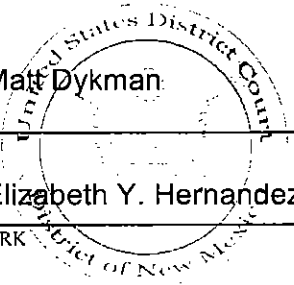
Tuesday, October 07, 2008

CLERK

DATE

Elizabeth Y. Hernandez

(By) DEPUTY CLERK



**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 2/24/09
NAME OF SERVER (PRINT) GARY A. DURA	TITLE Paralegal

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): Certified mail - restricted delivery on February 24, 2009

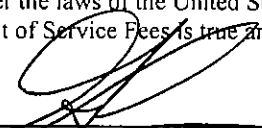
**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES \$10.55	TOTAL \$10.55
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**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 3/2/09  
Date

  
Signature of Server

1761 Stout St - 8th Floor, Denver, CO 80294  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



sm 2AB 5-0001

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>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Audrey Morano</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Audrey Morano                  P.O. Box 614                  Zuni, NM 87327</p>	<p>B. Received by (Printed Name) <i>Audrey Morano</i> C. Date of Delivery <i>2-24-09</i></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>2. Article Number                  (transfer from service label)</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>7008 1830 0000 5321 4691</p>	