### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

)	
)	
)	No. 01cv00072 BB
)	ZUNI RIVER BASIN
)	ADJUDICATION
)	
)	
)	
)	

## 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 Serv</u>	<u> 1ce</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

Filed 03/03/2009 Page 2 of 17

Dated: March 3, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 3, 2009, 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

Filed 03/03/2009

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

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) 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

Natelie A. Marez

DATE

(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)

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:

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

Cost of Service: \$25.00

Miles Travelled: 48 Mileage Cost: \$20.64

Total Fees: \$45.64

Please make checks payable to

LINCOLN COUNTY SHERIFF 128 N Main, Canton SD 57013

Bill Entringer-Deputy Sheriff

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

## 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.

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

SUMMONS IN A CIVIL CASE

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.

Monday, August 06, 2007

CLERK

Natalie A. Marez

(By) DEPUTY CLERK

DATE

NAO 440 (ReC 8166) SAIMBING MINDON ZAIN BB-WDS	Document 2156 File	ed 03/03/2009 Page 7 of 17
	RETURN OF SERVICE	
Service of the Summons and complaint was made by me(1)	2/2/0/	
NAME OF SERVER (PRINT).  SAM A. DURA	PARALEGAL	
Check one box below to indicate appropriate metho	od of service	
Served personally upon the defendant. Place	where served:	
☐ Left copies thereof at the defendant's dwellin discretion then residing therein.		-
Name of person with whom the summons and	complaint were left:	<del></del>
Returned unexecuted:		
Other (specify): Centified mail	nestricted delivery	ow February 26,2099
<del></del>	TEMENT OF SERVICE FEES	
	Z/O.55 CLARATION OF SERVER	TOTAL \$10.55
Executed on $\frac{3/2/2005}{Date}$	t of Service Fees is flue and correct gnature of Server	America that the foregoing information et.  Thon, Down, O 80294

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

<u>Sum</u> 2	16 3-013/
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <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>	B. Received by (Printed Name), C. Date of Delivery  TIMO Try TO WAY 2. 26. 9
Article Addressed to:	D. Is delivery address different from item 1?  If YES, enter delivery address below:  No
Timothy H. Pointer HC 61, Box 23 つうろ	
Ramah, NM 87321	3. Septice Type  Certified Mail □ Express Mail □ Registered □ Return Receipt for Merchandise □ Insured Mail □ C.O.D.
	4. Restricted Delivery? (Extra Fee) Yes
2. Article Number 7008 1830 01	JDD 5321 4714
PS Form 3811, February 2004 Domestic Retu	urn Receipt 102595-02-M-1540

◆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

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.

Monday, August 06, 2007 DATE CLERK

Natelie A. Marez

(By) DEPUTY CLERK

AO 440 (Rew 2000) Subminis Vir DOUI/Act BB-VVDS	Document 2156 Filed 03/03/2009 Page 10 of 17
Б	RETURN OF SERVICE
Service of the Summons and complaint was made by me <sup>(1)</sup>	2/26/09
NAME OF SERVER (PRINT).  ANY A. DURA	Panalegal
Check one box below to indicate appropriate method	d of service
☐ Served personally upon the defendant. Place	where served:
<ul> <li>Left copies thereof at the defendant's dwelling discretion then residing therein.</li> <li>Name of person with whom the summons and</li> </ul>	g house or usual place of abode with a person of suitable age and
Returned unexecuted:	· · · · · · · · · · · · · · · · · · ·
Other (specify): Centrified mail	restricted delivery on FEBNAMY 26, 2009
STAT	TEMENT OF SERVICE FEES
TRAVEL SERVICES	\$10.55 TOTAL \$10.55
DE	CLARATION OF SERVER
contained in the Return of Service and Statement  Executed on $\frac{3/2/o\varsigma}{Date}$ Date	261 Stort St-8th Floor, Denver, Co 80294
Adi	dress of Server

Sum	2RB 3-0131
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <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  X. Fatay founter  B. Received by Finited Name  C. Date of Delivery  PASTS U. O. M. 2. 26.
1. Article Addressed to:	D. Is delivery address different from item 1?  If YES, enter delivery address below:  No .
Patsy Pointer HC 61, Box 23 、3023	3. Service Type
Ramah, NM 87321	Certified Mail
	4. Restricted Delivery? (Extra Fee) Yes
2. Article Number (Transfer from service la 7008 1830 001	JO 5321 4721
PS Form 3811, February 2004 . Domestic Retu	ırn Receipt 102595-02-M-1540

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)

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.

Monday, August 13, 2007

CLERK

Natglie A. Marez

(By) DEPUTY CLERK

DATE

SAO 440 (REC 3280) GUANOR VIT DO QITAZTI E	BB-WDS Document 2156 Filed 03/03/2009 Page 13 of 17
	RETURN OF SERVICE
Service of the Summons and complaint was	s made by $me^{(1)}$ DATE $2/23/09$
NAME OF SERVER (PRINT).	PANALEGOL
Check one box below to indicate appr	ropriate method of service
☐ Served personally upon the def	Place where served:
discretion then residing therein.	ndant's dwelling house or usual place of abode with a person of suitable age and  e summons and complaint were left:
Other (specify): Centific	Imail restricted delivery on FEBRUARY 23, 2009
TRAVEL	STATEMENT OF SERVICE FEES
TRAVEL	SERVICES \$ 10.55
	DECLARATION OF SERVER
I declare under penalty of contained in the Return of Service Executed on $\frac{3/2/0.5}{Date}$	of perjury under the laws of the United States of America that the foregoing information and Statement of Service Fees is true and correct.  Signature of Server
	Address of Server

Sur KB	4-0164
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <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  X Vol. 1 Agent Addressee  B. Received by (Printed Name)  C. Date of Delivery  C. BETA GRACE  C. Date of Delivery
1. Article Addressed to:  Robert M. Grace P.O. Box 837	D. Is delivery address different from item 1? □ Yes If YES, enter delivery address below: 以 No
Ramah, NM 87321	3. Service Type  Certified Mall
Article Number     (Transfer from service label)     7008 1830	0000 5321, 4707
PS Form 3811, February 2004 Domestic Retu	urn Receipt 102595-02-M-1540

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

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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)

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 - 8<sup>th</sup> Floor Denver, CO 80294

an answer to the complaint which is served on you with this summons, within <u>twenty (20)</u> 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

Tuesday, October 07, 2008

CLERK

Elizabeth Y. Hernandez

(By) DEPUTY CLERK

DATE

SAO 440 (Rev. 3.86) Sulphons VI JUNI AGREB - VVDS	Document 2156	Filed 03/03/2009	Page 16 of 17
F	RETURN OF SERVIC	E	
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 2/24/09		
NAME OF SERVER (PRINT).	Panalegal	<del> </del>	
Check one box below to indicate appropriate metho	d of service	·	
☐ Served personally upon the defendant. Place	where served:		
Left copies thereof at the defendant's dwelling discretion then residing therein.			•
Name of person with whom the summons and			
☐ Returned unexecuted:			<u> </u>
Other (specify): Centificommil-	nestricted deliv	ery ow fear	vary 24, 2009
	TEMENT OF SERVICE		
TRAVEL SERVICES	\$10.55		AL \$10.55
DE	CLARATION OF SERV	/ER	-70.33
<u>H</u>	of Service Pees is true and	the floor, Dewver	·

Srm 24	B-5-0801
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <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> <li>Article Addressed to:</li> </ul>	A. Signature  X
Audrey Morano P.O. Box 614 Zuni, NM 87327	3. Service Type  Gertified Mail
	4. Restricted Delivery? (Extra Fee) Yes
2. Article Number 7008 18	30 0000 532l 469l
PS Form 3811, February 2004 Domestic Re	turn Receipt 102595-02-M-1540