

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

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UNITED STATES OF AMERICA )  
and )  
STATE OF NEW MEXICO, ex rel. STATE )  
ENGINEER, )  
 )  
Plaintiffs, )  
 )  
and )  
 )  
ZUNI INDIAN TRIBE, NAVAJO NATION, )  
 )  
Plaintiffs in Intervention, )  
 )  
v. )  
 )  
A & R PRODUCTIONS, et al., )  
 )  
Defendants. )

No. 01cv00072 BB/WDS  
ZUNI RIVER BASIN  
ADJUDICATION

**CLERK'S CERTIFICATE OF DEFAULT**

I, Matthew J. Dykman, Clerk of the United States District Court, District of New Mexico, certify that the above-entitled cause was filed in the United States District Court at Santa Fe, State of New Mexico, and the records of my office indicate that service of process commanding the following defendants to appear and defend in this cause was made as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Proof of Service filed</u>
Timothy H. Pointer	ZRB-3-0131	February 3, 2009 (Doc. #2156)
Patsy Pointer	ZRB-3-0131	February 3, 2009 (Doc. #2156)
Robert M. Grace	ZRB-4-0164	February 3, 2009 (Doc. #2156)
Deborah L. Grace	ZRB-4-0164	August 21, 2007 (Doc. #1224)
Frank Lambert	ZRB-4-0221	August 22, 2007 (Doc. #1225)

Barbara Lambert	ZRB-4-0221	January 29, 2009 (Doc. #2092)
Richard M. Holden	ZRB-5-0033	December 5, 2008 (Doc. #1996)
Rhonda R. Holden	ZRB-5-0033	August 22, 2007 (Doc. #1226)
Elleva McMahon	ZRB-5-0041	August 22, 2007 (Doc. #1226)
Marvin Lewis	ZRB-5-0048	August 22, 2007 (Doc. #1226)
Brian P. Maki	ZRB-5-0049	August 22, 2007 (Doc. #1226)
Maryah L. Maki	ZRB-5-0049	August 22, 2007 (Doc. #1226)
Stephen L. Voyles	ZRB-5-0064	September 5, 2007 (Doc. #1257)
Tamzin Voyles	ZRB-5-0064	September 5, 2007 (Doc. #1257)

I also certify, that the records of my office indicate the following defendants waived service of summons in this proceeding as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Waiver of Summons filed</u>
David L. Overmyer	ZRB-3-0184	July 13, 2006 (Doc. #758)
Patricia Overmyer	ZRB-3-0184	July 13, 2006 (Doc. #758)
Thomas W. Hilton	ZRB-4-0184	May 13, 2005 (Doc. #362)
Mary C. Hilton	ZRB-4-0184	May 13, 2005 (Doc. #362)
Astri Hilton	ZRB-4-0184	January 29, 2009 (Doc. #2093)
James R. Hilton	ZRB-4-0184	January 29, 2009 (Doc. #2093)
Elizabeth A. Lewis	ZRB-5-0047	May 13, 2005 (Doc. #362)
Larry J. Reeves	ZRB-5-0059	May 18, 2007 (Doc. #1126)
Suzanne M. Reeves	ZRB-5-0059	May 18, 2007 (Doc. #1126)
Ann C. Sullivan	ZRB-5-0061	May 13, 2005 (Doc. #362)

I further certify, that the records of my office indicate that the following

defendants made a voluntary appearance via an Entry of Appearance filed in this proceeding as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Voluntary Appearance</u>
Garland Lewis	ZRB-5-0041	June 24, 2003 (Doc. #211)
Lurlene Lewis	ZRB-5-0041	June 24, 2003 (Doc. #211)
Alan Lewis	ZRB-5-0047	June 24, 2003 (Doc. #211)
Kent Nicoll	ZRB-5-0055	June 24, 2003 (Doc. #211)
Vivian Nicoll	ZRB-5-0055	June 24, 2003 (Doc. #211)
Donald E. Sharp	ZRB-5-0060	June 24, 2003 (Doc. #211)

It appears on the record that the above-named defendants have failed to plead or otherwise defend in the indicated Subfiles as provided by the Federal Rules of Civil Procedure and the Procedural and Scheduling Orders entered in this case.

WHEREFORE, I hereby certify that the above-named defendants are in default.

DATED this 3<sup>rd</sup> day of April, 2009.



MATTHEW J. DYKMAN  
DISTRICT COURT CLERK

By:   
Deputy Clerk