

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/WDS
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	
)	
v.)	
)	
A & R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

NOTICE OF FILING SUMMONS SERVED BY MAIL

The United States of America (“United States”) hereby states that pursuant to the *Order Granting Motion For An Order Allowing An Alternate Form Of Service On Arizona Defendants* (Doc. No. 1980) (“Order”), the following defendants were served with process in the above-captioned matter by mailing the Order, summons and the *Amended Complaint* (Doc. No. 222) to the last known residence.

<u>Defendant</u>	<u>Subfile No.</u>	<u>Date of Service</u>
Henry Axtell	ZRB-4-0454	June 2, 2009
Sharon Axtell	ZRB-4-0454	June 2, 2009

Dated: June 2, 2009

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

AO 440 (Rev. 02/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of New Mexico

U.S.A. & State of New Mexico, ex rel. State Engineer
Plaintiff
v.
A. & R. Productions, et al.,
Defendant

Civil Action No. 01cv00072-BB

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Henry Axtell
7611 N. Shirley Court
Tucson, AZ 85741

A lawsuit has been filed against you.

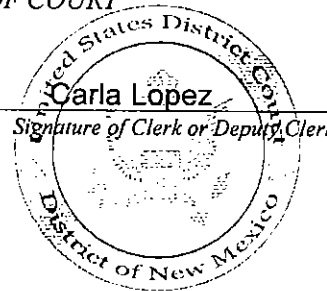
Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: Thursday, April 09, 2009



AO 440 (Rev. 02/09) Summons in a Civil Action (Page 2)

Civil Action No. 01cv00072-BB

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))

This summons for *(name of individual and title, if any)* Henry Axtell
was received by me on *(date)* 06/01/2009

I personally served the summons on the individual at *(place)* _____
on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or


I returned the summons unexecuted because _____ ; or

Other *(specify)*: Pursuant to Order Granting Motion for an Order Allowing Alternative Form of Service of
Process on Arizona Defendants (Doc # 1980), the summons was mailed on 6/2/09 to the
last known residence after 10 failed service attempts. A copy of the Declaration of Non-
Service lists the attempts over a 22 day period to serve the summons.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true

Date: 06/02/2009



Server's signature

Gary A. Durr, Paralegal
Printed name and title

1961 Stout St - 8th Floor, Denver, CO 80294
Server's address

Additional information regarding attempted service, etc:

IN THE
UNITED STATE DISTRICT COURT, DISTRICT OF NEW MEXICO

U.S.A. & STATE OF NEW MEXICO, EX REL.
STATE ENGINEER

Plaintiff/Petitioner

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

Defendant/Respondent

Hearing Date:

CAUSE NO: **01CV00072-BB**

DECLARATION OF NON SERVICE OF:
SUMMONS AND COMPLAINT


The undersigned hereby declares: 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, and is competent to be a witness therein.

Declarant states s(he) attempted to serve **HENRY AXTELL** at the address of: **7611 N SHIRLEY CT , TUCSON, Pima County, AZ 85741** and was unable to effect service for the following reasons:

- 4/18/2009 7:50:00 AM: No Answer at the door**
- 4/21/2009 2:00:00 PM: No Answer at the door**
- 4/26/2009 10:30:00 AM: No Answer at the door**
- 4/27/2009 5:00:00 PM: No Answer at the door, lights on inside**
- 5/1/2009 7:59:00 PM: No Answer at the door, lights on inside**
- 5/3/2009 8:11:00 AM: No Answer at the door**
- 5/5/2009 12:15:00 PM: No Answer at the door, noises inside, movement inside, vehicle present (NLA898)**
- 5/5/2009 7:10:00 PM: No Answer at the door, lights on inside, noises inside**
- 5/9/2009 8:15:00 AM: No Answer at the door, vehicle present (NLA898)**
- 5/9/2009 7:59:00 PM: No Answer at the door, lights on inside**

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

DATED this **14th day of May, 2009.**



JUSTIN N BETH, Reg. # 405, PIMA, AZ



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

Tracking #: **5791422 SEA**



AO 440 (Rev. 02/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
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Plaintiff
v.
A. & R. Productions, et al.,
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Civil Action No. 01cv00072-BB

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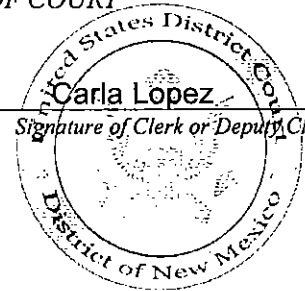
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Bradley S. Bridgewater
United States Department of Justice
Environment and Natural Resources Division
1961 Stout Street - 8th Floor
Denver, CO 80294

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: Thursday, April 09, 2009



Carla Lopez
Signature of Clerk or Deputy Clerk

AO-440 (Rev. 02/09) Summons in a Civil Action (Page 2)

Civil Action No. 01cv00072-BB

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This summons for *(name of individual and title, if any)* Sharon Axtell
was received by me on *(date)* 06/01/2009

I personally served the summons on the individual at *(place)* _____
on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
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I returned the summons unexecuted because _____ ; or

Other *(specify)*: Pursuant to Order Granting Motion for an Order Allowing Alternative Form of Service of
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My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 06/02/2009



Server's signature

Gary A. Durr, Paralegal

Printed name and title

1961 Stout St - 8th Floor, Denver, CO 80294

Server's address

Additional information regarding attempted service, etc:

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U.S.A. & STATE OF NEW MEXICO, EX REL.
STATE ENGINEER

Plaintiff/Petitioner

vs.
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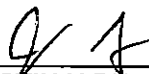
The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

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- 5/5/2009 12:15:00 PM: No Answer at the door, lights on inside, noises inside, movement inside, vehicle present (NLA898)**
- 5/5/2009 7:10:00 PM: No Answer at the door, lights on inside, noises inside**
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JUSTIN N BETH, Reg. # 405, PIMA, AZ



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Tracking #: **5791420 SEA**

