

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>
Daryl Cox	ZRB-3-0074	July 13, 2009

Dated: July 13, 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) Daryl Cox
9219 Lorton Valley Road
Lorton, VA 22079

A lawsuit has been filed against you.

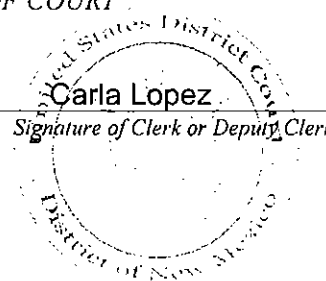
Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the 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)* Daryl Cox
was received by me on *(date)* 07/13/2009

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

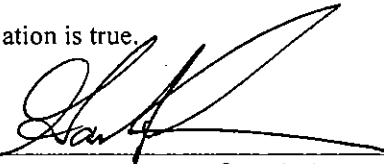
I returned the summons unexecuted because _____ ; or

Other *(specify)*: IAW VA. Code Ann. 8.01-296(b), a copy of this summons and the complaint was posted on
the main entrance of the defendant's residence on June 3, 2009 (see attached affidavit). A
copy of the summons and complaint was mailed to the defendant at the address listed on
this summons on July 13, 2009.

My fees are \$ _____ for travel and \$ 75.00 for services, for a total of \$ 75.00

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

Date: 07/13/2009



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

AFFIDAVIT OF SERVICE OF:
SUMMONS AND 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, and is competent to be a witness therein.

On the **3rd day of June, 2009, at 7:15 AM**, this affiant duly posted the above listed documents, by then and there personally affixing **1** true and correct copy(ies) thereof, in a conspicuous place on the property known as: **9219 LORTON VALLEY Road, LORTON**, within the County of **Fairfax**, State of **Virginia 22079**. First class mailing was completed on 6-3-2009 by depositing a true copy of summons and verified complaint in a U.S.P.O. Mailbox in an envelope marked personal and confidential. Affiant was unable, with due diligence to find defendant or a person of suitable age and discretion, thereat, having called there:

- 4/16/2009 3:30:00 PM: No Answer at the door, no activity inside
- 4/20/2009 9:20:00 PM: No Answer at the door, dark inside, no activity inside
- 4/24/2009 8:00:00 AM: server found phone listing for subject: 703-690-3201. called, left voicemail.
- 5/1/2009 9:30:00 AM: No Answer at the door, no activity inside. left card on door.
- 5/4/2009 7:20:00 AM: No Answer at the door, no activity inside
- 5/5/2009 6:30:00 AM: No Answer at the door, no activity inside
- 5/13/2009 4:00:00 PM: No Answer at the door, no activity inside
- 5/14/2009 2:30:00 PM: server found phone listing for subject: 703-690-3201. called, left voicemail.
- 5/14/2009 6:40:00 PM: No Answer at the door, no activity inside
- 5/18/2009 7:35:00 AM: No Answer at the door, no activity inside
- 5/23/2009 6:30:00 AM: No Answer at the door, no activity inside
- 5/23/2009 11:30:00 AM: server found phone listing for subject: 703-690-3201. called, left voicemail.
- 5/26/2009 10:10:00 AM: No Answer at the door, no activity inside. left card on door
- 5/27/2009 7:30:00 PM: No Answer at the door, no activity inside
- 5/28/2009 5:05:00 PM: No Answer at the door, no activity inside
- 5/29/2009 6:55:00 AM: No Answer at the door, no activity inside
- 6/2/2009 6:05:00 AM: No Answer at the door, no activity inside. Neighbors uncooperative.

DATED this 3rd day of June, 2009.

Eddie W. Null, Sr.

SUBSCRIBED AND SWORN to before me this 3rd day of June, 2009

NOTARY PUBLIC in and for the State of Virginia
Residing at: Spotsylvania Va
My Commission Expires: 6-30-2010



FOR: U S Dept of Justice - Denver ORIGINAL AFFIDAVIT OF



Kimberly Ann Konias
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7079694
My Commission Expires
June 30, 2010

Tracking #: 5791421 SEA



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(f))

This summons for *(name of individual and title, if any)* DARYL COX
was received by me on *(date)* APRIL 15, 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)* POSTED TO DOOR
_____, a person of suitable age and discretion who resides there,
on *(date)*, 6-3-2009, 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)*:

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: 6-3-2009



Server's signature

Eddie W. Miller

Printed name and title
Tiger Legal Services
10522 Crestfield Lane
Spotsylvania, Virginia 22553

Server's address

Additional information regarding attempted service, etc:

See ATTACHED AFFIDAVIT OF
PROCESS SERVER.