

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

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

 DECLARATION OF KHALEELAH
 E. JONES IN SUPPORT
 OF PLAINTIFFS UNITED
 STATES' MOTION FOR
 DEFAULT JUDGMENT

 Subfile No. ZRB-3-0022

I, Khaleelah E. Jones, am employed as a Paralegal Specialist with the Department of Justice and have been assigned to work in support of counsel for the United States in the above-captioned case.

A. Pursuant to the Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-area 7 of the Zuni River Stream System (Doc. No. 561), defendants in the Zuni River Basin Adjudication were sent a service packet that included a proposed Consent Order, Request for Consultation form, Notice of Water Rights Adjudication, a form Answer, and if the defendant had no been served process or had no voluntarily waived such

service, a copy of the Amended 2003 Complaint, a Request for Waiver of Service of Summons, and two copies of a Waiver of Service of Summons with a prepaid return envelope. The packet also included a letter from the United States explaining the purpose of the forms and to whom and when documents were to be mailed or provided if the defendant chose to respond. The documents were mailed to the defendants' mailing address or counsel of record via certified mail, return receipt requested.

B. The service packet for Debbie Byington, John C. Byington, Konrad Knoll and Carla Ferong (ZRB-3-0022), was mailed to the Defendants' address of record and the return receipt indicates the packet was delivered on May 16, 2006. Subsequent to the Clerk's Certificate of Default filed October 8, 2008 (Doc. No. 1908) a revised Consent Order was prepared and mailed to the Defendants and although the return receipt is undated, tracking the mailing through the United States Postal Service indicates it was delivered on March 28, 2009. The United States has received no response from Defendants to the revised Consent Order. Copies of Postal Service Form 3811 and tracking results are attached to this declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 30, 2009



KHALEELAH E. JONES
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

248-3-0022

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p><input checked="" type="checkbox"/> <i>Debbie Byington</i> <input type="checkbox"/> Agent</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p style="text-align: center;">DEBBIE A. BYINGTON, JOHN C BYINGTON, KONARD KNOLL, CARLA FERONG 2303 124TH ST. SE EVERETT, WA 98208</p>	<p>B. Received by (Printed Name)</p> <p><i>Neil Knoll</i></p>	<p>C. Date of Delivery</p> <p><i>5/10/08</i></p>
<p>2. Article Number <i>(Transfer from service label)</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p style="padding-left: 20px;">If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>PS Form 3811, February 2004</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>7005 1160 0005 3392 7302</p>		
<p>Domestic Return Receipt</p>		<p>102595-02-M-1540</p>



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Label/Receipt Number: 7005 1820 0005 4749 7032
 Status: Delivered

Your item was delivered at 4:33 PM on March 28, 2009 in EVERETT, WA 98208.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)

[Return to USPS.com Home >](#)

[Go >](#)

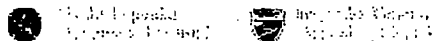
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<p><i>Rev. Co</i> <i>216 70022</i></p>	
<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="padding-left: 40px;">Debbie Byington, John C. Byington, Konrad Knoll & Carla Ferong 2303 124th St. SE Everett, WA 98208</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>X Konrad K. Knoll</i></p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</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>3. Service Type</p> <p><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? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7005 1820 0005 4749 7032</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	