

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 MV/LFG
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	
	)	DECLARATION OF YVONNE
	)	M. MARSH IN SUPPORT
	)	OF PLAINTIFFS' MOTION
	)	FOR SUMMARY JUDGMENT
	)	
	)	SUBFILE ZRB-3-0171
v.	)	
	)	
A & R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
	)	

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I, Yvonne M. Marsh, 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 (excluding Ramah) of the Zuni River Stream System* (Doc. No. 561), Defendants in the Zuni River Basin Adjudication were provided a service packet that included a proposed Consent Order, Request for Consultation form, Notice of Water Rights Adjudication, and if the Defendants had not been served process or had not 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 Defendants chose to respond. The documents were mailed to the Defendant's mailing address via certified mail, return receipt requested.

B. The service packet to Michael Sweet and Shirley Sweet (ZRB-3-0171), was mailed to the Defendants' address of record. The original Postal Service Form 3811, Domestic Return Receipt, was returned signed but undated, and received by the United States on June 12, 2006. A copy of Postal Service Form 3811 is attached to this declaration.

C. A duplicate consent order, and explanatory letter, were mailed to the Defendants' address of record on January 12, 2012. The Postal Service Form 3811, Domestic Return Receipt, for that correspondence was returned signed by Michael Sweet and dated January 28, 2012. A copy of the Postal Service Form 3811 is attached to this declaration.

D. The duplicate consent order mailed to these Defendants on January 12, 2012 included the following water right description, which differs from the right description in the original consent order mailed to them in that the Purpose of Use code was changed from "DOMESTIC" to "72-12-1 DOMESTIC ONE HOUSEHOLD":

**WELL**

<b>Map Label:</b>	7B-3-W49
<b>OSE File No:</b>	G 02385
<b>Priority Date:</b>	9/9/2005
<b>Purpose of Use:</b>	72-12-1 DOMESTIC ONE HOUSEHOLD

**Well Location:** As shown on Hydrographic Survey Map 7B-3

S. 24 T. 08N R. 16W 1/4, 1/16, 1/64: SW SW SE

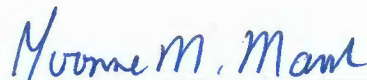
X (ft): 2,528,732 Y (ft): 1,420,425

New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Amount of Water:** Historical beneficial use not to exceed 0.7 ac-ft per annum

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

Dated: April 9, 2013



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YVONNE M. MARSH  
U.S. Department of Justice  
999 18<sup>th</sup> Street, Suite 370  
South Terrace  
Denver, CO 80202  
(303) 844-1355

246-3-0171

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <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>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><input checked="" type="checkbox"/> </p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>MICHAEL SWEET SHIRLEY SWEET 40 S. SHERIDAN BLVD DENVER, CO 80226</p> </div>	<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>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input 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 4929</p>	
<p>PS Form 3811, February 2004                      Domestic Return Receipt                      102595-02-M-1540</p>	

UNITED STATES POSTAL SERVICE

DENVER CO 80202

10 JUN 2006 PM 6 L

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USPS  
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• Sender: Please print your name, address, and ZIP+4 in this box •

ENV. & NAT. RES. DIV.  
DENVER, CO

06 JUN 12 PM 1:30

Bradley S. Bridgewater  
U.S. Dept. Of Justice  
Env. & Natural Resources Division  
1961 Stout Street - 8<sup>th</sup> Floor  
Denver, CO 80294

FILE

90-62-91

001 0044

ZRS-3-0171 Revised CO

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <div style="text-align: center; padding: 10px;"> <p>Michael Sweet Shirley Sweet HC 61 Box 3016 Ramah, NM 87321</p> </div>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><i>[Signature]</i></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>Michael Sweet</i> <span style="float: right;">1/28/12</span></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>2. Article Number (Transfer from service label)</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>7002 2410 0004 6640 4958</p>	
<p>PS Form 3811, February 2004 <span style="margin-left: 100px;">Domestic Return Receipt</span> <span style="float: right;">102595-02-M-1540</span></p>	

UNITED STATES POSTAL SERVICE

First-Class Mail  
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Permit No. C-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Bradley Bridgewater  
U.S. DOJ/ENRD  
South Terrace - Suite 370  
999 18th Street  
Denver, CO 80202

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