

**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-MV/WPL
ZUNI RIVER BASIN
ADJUDICATION
Subfile No. ZRB-1-0077

**DECLARATION OF KARMEN MILLER IN SUPPORT OF PLAINTIFFS’
MOTION FOR DEFAULT JUDGMENT**

I, Karmen Miller, 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 *Amended Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System* (Doc. No. 387), 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, 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 Defendants' mailing address via certified mail, return receipt requested.

B. The service packet to Johanna F. O'Neill, Colin E. O'Neill, & Gregory C. Frank (ZRB-1-0077), was mailed to the Defendants. The original Postal Service Form 3811, Domestic Return Receipt was returned signed and dated January 13, 2006. A copy of Postal Service Form 3811 is attached to this declaration.

C. A revised Consent Order was emailed to Defendants' counsel of record at the time on July 2, 2015. However, on April 18, 2016, this Court granted Tanya L. Scott and Law & Resource Planning Associates, P.C.'s, motion to withdraw as counsel of record due to the fact all contact with the subfile Defendants was lost (Doc. No. 3249).

D. A Notice That The Consultation Period Has Ended (Doc No. 3265) was filed with the Court and mailed to Defendants' last known address on May 16, 2016. We received no response from the Defendants.

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

Dated: June 24, 2016

/s/ Karmen Miller
KARMEN MILLER
U.S. Department of Justice
999 18th Street, Suite 370
South Terrace
Denver, CO 80202
(303) 844-1481

2RB-1-0077

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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.

A. Signature Agent
 Addressee

X *Colin E. O'Neill*

B. Received by (Printed Name)

C. Date of Delivery

1-13-07

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

1. Article Addressed to:

Colin E. and Johanne F. O'Neill
and Gregory C. Frank
343 Baker Lane
Eric, CO 80516

3. Service Type

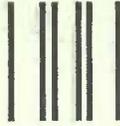
- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7005 1160 0005 3392 3458

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
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• Sender: Please print your name, address, and ZIP+4 in this box •

Bradley Bridgewater
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999 18th Street, Suite 945 N T
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