

IN THE UNITED STATES DISTRICT COURT **FILED**
 FOR THE DISTRICT OF NEW MEXICO UNITED STATES DISTRICT COURT
 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.)

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CLERK-SANTA FE

No. 01cv00072 BB/WDS

ZUNI RIVER BASIN
 ADJUDICATION

CLERK'S CERTIFICATE OF DEFAULT

I, Matthew J. Dykman, Clerk of the United States District Court, District of New Mexico, certify that the above-entitled cause was filed in the United States District Court at Santa Fe, State of New Mexico, and the records of my office indicate that service of process commanding the following defendants to appear and defend in this cause was made as follows:

| <u>Defendant</u> | <u>Subfile No.</u> | <u>Proof of Service filed</u> |
|---------------------|--------------------|-------------------------------|
| Randell J. Barrow | ZRB-1-0003 | April 18, 2006 (Doc. #664) |
| Lawrence D. Clawson | ZRB-1-0023 | April 18, 2006 (Doc. #655) |
| Ann Heath | ZRB-1-0028 | April 18, 2006 (Doc. #647) |
| Richard Heath | ZRB-1-0028 | April 18, 2006 (Doc. #648) |

| | | |
|------------------------|------------|----------------------------|
| Robert C. Keenan | ZRB-1-0050 | April 18, 2007 (Doc. #653) |
| Lanice M. Keenan | ZRB-1-0050 | April 18, 2006 (Doc. #643) |
| Peter Mayne | ZRB-1-0061 | April 18, 2006 (Doc. #657) |
| Susan Mayne | ZRB-1-0061 | April 18, 2006 (Doc. #658) |
| Gene Mirabal | ZRB-1-0067 | April 18, 2006 (Doc. #660) |
| Vera Mirabal | ZRB-1-0067 | April 18, 2006 (Doc. #659) |
| Eusebio Montoya, Jr. | ZRB-1-0070 | April 18, 2006 (Doc. #638) |
| Freddie E. Montoya | ZRB-1-0071 | April 18, 2006 (Doc. #639) |
| Linda Montoya | ZRB-1-0071 | April 18, 2006 (Doc. #640) |
| Jean Proper | ZRB-1-0082 | April 18, 2006 (Doc. #654) |
| Richard A. Sheets, Jr. | ZRB-1-0093 | April 18, 2006 (Doc. #636) |
| Michael J. Sheets | ZRB-1-0093 | April 18, 2006 (Doc. 637) |
| Steven D. Sheets | ZRB-1-0093 | April 18, 2006 (Doc. #635) |
| Roland Carter | ZRB-1-0116 | April 18, 2006 (Doc. #652) |
| Isabelle Carter | ZRB-1-0116 | April 18, 2006 (Doc. #651) |

I further certify, that the records of my office indicate the following defendants waived service of summons in this proceedings as follows:

| <u>Defendant</u> | <u>Subfile No.</u> | <u>Waiver of Summons filed</u> |
|------------------------------------|--------------------|--------------------------------|
| Clara M. Bowman | ZRB-1-0013 | May 13, 2005 (Doc. #362) |
| James P. Brunner | ZRB-1-0015 | December 5, 2005 (Doc. #413) |
| Cattlemen's Title Guarantee Co. | ZRB-1-0019 | May 13, 2005 (Doc. #362) |

| | | |
|--|------------|-------------------------------|
| Luella L. Clawson | ZRB-1-0024 | December 5, 2005 (Doc. #415) |
| Carmen Kay Johnston | ZRB-1-0024 | December 5, 2005 (Doc. #415) |
| Winfried Friedrichs | ZRB-1-0033 | December 5, 2005 (Doc. #418) |
| Donald L. Kalishevich | ZRB-1-0048 | December 5, 2006 (Doc. #420) |
| Mary Kalishevich | ZRB-1-0048 | December 5, 2006 (Doc. #420) |
| Tom R. Kennedy | ZRB-1-0051 | May 13, 2005 (Doc. #362) |
| Diana McGuerty | ZRB-1-0063 | May 13, 2005 (Doc. #362) |
| Cecilio Mirabal | ZRB-1-0066 | December 5, 2006 (Doc. #422) |
| Brenda Romero | ZRB-1-0088 | December 5, 2005 (Doc. #426) |
| Wallace E. Tharp | ZRB-1-0102 | May 13, 2005 (Doc. #362) |
| John L. Bandera | ZRB-1-0107 | November 20, 2006 (Doc. #872) |
| Colette Bandera | ZRB-1-0107 | January 18, 2007 (Doc. #958) |
| Heather Beth Von Seggern | ZRB-1-0108 | May 13, 2005 (Doc. #362) |
| Janet D. Reed | ZRB-1-0127 | February 1, 2006 (Doc. #475) |
| George L. Sarver, Jr. | ZRB-1-0134 | May 13, 2005 (Doc. #362) |
| Helen E. Sarver | ZRB-1-0134 | May 13, 2005 (Doc. #362) |
| Anthony & Rebecca Allina Family Trust | ZRB-1-0137 | March 2, 2006 (Doc. #501) |
| Christopher Paul Dentzel | ZRB-1-0142 | May 13, 2005 (Doc. #362) |
| Barbara Dentzel-Cleary | ZRB-1-0142 | May 13, 2005 (Doc. #362) |

It further appears on the record that the above-named defendants have failed to plead or otherwise defend in the indicated Subfiles as provided by the Federal Rules of Civil Procedure

and the Procedural and Scheduling Orders entered in this case.

WHEREFORE, I hereby certify that the above-named defendants are in default.

DATED this 28th day of August, 2007.

MATTHEW J. DYKMAN
DISTRICT COURT CLERK

By: Margaret Richman
Deputy Clerk