

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 GARY A.  
DURR IN SUPPORT OF  
PLAINTIFF UNITED STATES'  
MOTION FOR DEFAULT  
JUDGMENT

I, Gary A. Durr, 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 entitled case.

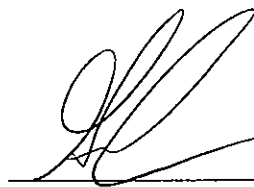
A. Defendants in the Zuni River Basin Adjudication, Sub-areas 4 and 8, pursuant to the Special Master's Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-areas 4 and 8 of the Zuni River Stream System (Doc. No. 387), were sent a service packet that included a proposed Consent Order, Request for Consultation form, a form

Answer, Notice of Water Rights Adjudication, and if the defendant 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 defendant chose to respond. The documents were mailed to the defendant's mailing address via certified mail, return receipt requested.

B. The service packet to Wallace E. Tharp, ZRB-1-0102, was mailed and the return receipt indicates the packet was received on or about October 6, 2005. A copy of Postal Service Form 3811 is 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: November 13, 2007



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GARY A. DURR  
U.S. Department of Justice  
1961 Stout Street - 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1359

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  <input checked="" type="checkbox"/> <i>Patricia B. Byrd</i> <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery  <i>Patricia B. Byrd</i></p>
<p>1. Article Addressed to: <i>1-0102</i></p> <p>Wallace Tharp                  410 12<sup>th</sup> St., N.W.                  Albuquerque, NM 87102</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below. <input checked="" type="checkbox"/> No</p> <p>3. Service Type  <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? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number                  (Transfer from service label)</p>	<p><b>7005 1160 0005 3392 6558</b></p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	