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 BB-WDS	
and)	
) ZUNI RIVER BASIN	
ZUNI INDIAN TRIBE, NAVAJO NATION,) ADJUDICATION	
Plaintiffs in Intervention,)	
) DECLARATION OF GARY	′ A.
) DURR IN SUPPORT OF	
) PLAINTIFF UNITED STAT	res'
) MOTION FOR DEFAULT	
) JUDGMENT	
)	
V.) Subfile No. ZRB-4-0136	
)	
A & R PRODUCTIONS, et al.)	
)	
Defendants.)	

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 abovecaptioned case.

A. Pursuant to the Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-areas 1, 2 and 3 (excluding Ramah) of the Zuni River Stream System (Doc. No. 838), 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 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 for Subfile No. ZRB-4-0136, was mailed to the original defendant's address of record and the return receipt indicates the packet was received on November 15, 2006. Susan Griffin was substituted for the original defendant on January 17, 2008 (Doc. No. 1470). She was provided a copy of the Motion for Substitution of Party (Doc. No. 1426) by certified mail, return receipt requested, and the return receipt indicates the motion was received on January 4, 2008. Copies of Postal Service Form 3811 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: January 23, 2009

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

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SENDER: COMPLETE THIS SECTION 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. A. Signature Attach this card to the back of the maliplece, or on the front if space permits. D. Is delivery address different from item 17 Yes I. Article Addressed to: D. Is delivery address different from item 17 Yes SUSAN GRIFFIN HC 61, BOX 838 RAMAH, NM 87321 SUSAN GRIFFIN HC 61, BOX 838 RAMAH, NM 87321 SUSAN GRIFFIN HC 61, BOX 838 RAMAH, NM 87321 Sussent and the reverse so that we can return the card to you. A. Restricted Dalivery (Edm Fee) Yes 2. Article Number (Transfer from service label, or on the front if space permits. 700b 34550 00002 2033 36 bb PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M Complete items 1, 2, and 3. Also complete items 4 if Restricted Delivery is desired. Completer THIS SECTION ON DELIVERY Cherry L H. DUTY Address different from item 17 Yes 1. Article Addressed to: CHERYL H. DUTY Address different from item 17 Yes 1. Article Addressed to: CHERYL H. DUTY Addresserd lie Prote was different from item 17 Yes	Action to SUB	2RB- 4-0136
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