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	Α.
) DURR IN SUPPORT OF	
) PLAINTIFF UNITED STATE	ES'
) MOTION FOR DEFAULT	
) JUDGMENT	
)	
V.) Subfile No. ZRB-4-0419	
)	
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 Wade R. Harper and Teree L. Harper (ZRB-4-0419) was mailed to the Defendants' address of record, and although the return receipt was undated, tracking the mailing with the United States Postal Service indicates the packet was delivered on November 18, 2006. A copy of Postal Service Form 3811 and the tracking results 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: March 17, 2009

Hall

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

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