

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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CLERK-SANTA FE

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

**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>
Byron South	ZRB-1-0096	January 5, 2009 (Doc. #2032)
Irene P. South	ZRB-1-0096	January 5, 2009 (Doc. #2032)
Jose Montoya	ZRB-1-0181	April 15, 2009 (Doc. #2306)
Luis Munoz	ZRB-3-0117	August 23, 2007 (Doc. #1228)

Stuart Sanders	ZRB-3-0145	April 1, 2009 (Doc. #2224)
Leyton J. Cougar	ZRB-3-0188	January 16, 2009 (Doc. #2060)
Anna M. Berube Trust	ZRB-4-0042	September 16, 2008 (Doc. #1869)
Luis Baeza	ZRB-4-0113	August 27, 2007 (Doc. #1232)
Lisa Baeza	ZRB-4-0113	August 23, 2007 (Doc. #1228)
Avran Garcia Rev. Trust UTA Dated April 28, 1997	ZRB-4-0160	September 16, 2008 (Doc. #1869)
Cherie L. Kalista	ZRB-4-0189	April 1, 2009 (Doc. #2224)
Paul L. Lopez	ZRB-4-0246	September 17, 2008 (Doc. #1871)
Alexandra N. Lopez	ZRB-4-0246	May 8, 2009 (Doc. #2352)
Anne Lowden-Gilpin	ZRB-4-0248	April 22, 2009 (Doc. #2318)
Henry Axtell	ZRB-4-0454	June 2, 2009 (Doc. #2369)
Sharon Axtell	ZRB-4-0454	June 2, 2009 (Doc. #2369)
Deward Lance Bond	ZRB-5-0066	April 15, 2009 (Doc. #2306)
Tony Eriacho, Jr.	ZRB-6-0001	December 5, 2008 (Doc. #1997)

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

<u>Defendant</u>	<u>Subfile No.</u>	<u>Waiver of Summons filed</u>
Tommy D. Hartsfield	ZRB-3-0075	June 22, 2006 (Doc. #745)
Donald J. Philippe	ZRB-3-0075	June 22, 2006 (Doc. #745)
Roy Eddie Merrill	ZRB-3-0111	May 13, 2005 (Doc. #362)
Russell Roper	ZRB-3-0190	April 1, 2009 (Doc. #2223)
Shirley Roper	ZRB-3-0190	April 1, 2009 (Doc. #2223)
Sefferino Eriacho	ZRB-6-0002	May 13, 2005 (Doc. #362)

I further certify, that the records of my office indicate the following defendants and unknown claimants of rights to use waters in the Zuni River Stream System in New Mexico were served process by publication as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Proof of Service filed</u>
Maureen Kearns & Robert Kammerer Trust	ZRB-1-0049	July 27, 2009 (Doc. #2379)
David Zimmerman	ZRB-1-0065	July 27, 2009 (Doc. #2379)
Sirintorn Zimmerman	ZRB-1-0065	July 27, 2009 (Doc. #2379)
David Bradford	ZRB-1-0131	July 27, 2009 (Doc. #2379)
Evelyn Bradford	ZRB-1-0131	July 27, 2009 (Doc. #2379)
Unknown Heirs of Eugenio Landavazo	ZRB-2-0060	July 27, 2009 (Doc. #2379)
Howard Price	ZRB-3-0075	July 27, 2009 (Doc. #2379)
Darla Nicoll	ZRB-3-0092	July 27, 2009 (Doc. #2379)
Thomas Mooney	ZRB-3-0115	July 27, 2009 (Doc. #2379)
Beverly J. Munoz	ZRB-3-0117	July 27, 2009 (Doc. #2379)
R.W. Ader	ZRB-4-0024	July 27, 2009 (Doc. #2379)
Steven Berube, Trustee	ZRB-4-0042	July 27, 2009 (Doc. #2379)
Rudy Garcia, Trustee of the Diana Mae Garcia Special Needs Trust	ZRB-4-0431	July 27, 2009 (Doc. #2379)
Leo Eriacho	ZRB-6-0001	July 27, 2009 (Doc. #2379)
Loretta Eriacho	ZRB-6-0002	July 27, 2009 (Doc. #2379)

It 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 13 day of August, 2009.

MATTHEW J. DYKMAN  
DISTRICT COURT CLERK

By:   
Deputy Clerk

