## 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
and ZUNI INDIAN TRIBE, NAVAJO NATION,	) ) ZUNI RIVER BASIN ) ADJUDICATION
Plaintiffs in Intervention,	) ) ) DECLARATION OF YVONNE
2	<ul> <li>M. MARSH IN SUPPORT</li> <li>OF PLAINTIFF UNITED</li> <li>STATES' MOTION FOR</li> <li>DEFAULT JUDGMENT</li> </ul>
V.	) ) ZRB-3-0175
A & R PRODUCTIONS, et al.	)
Defendants.	) )

I, Yvonne M. Marsh, 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-captioned case.

A. Pursuant to the Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-area 7 (excluding Ramah) of the Zuni River Stream System (Doc. No. 561), 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 defendants had not been served process or had not voluntarily waived

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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 David Swindle Trustee and Linda Swindle Trustee (ZRB-3-0175), was mailed to the defendant's address of record, and the return receipt indicates that the packet was received by the defendants and the return receipt was received by the United States on October 16, 2006. 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: September 7\_, 2011

n. Mana

YVONNE M. MARSH U.S. Department of Justice 999 18<sup>th</sup> Street, Suite 370 South Terrace Denver, CO 80202 (303) 844-1355

Samuce hunry 270	63-075
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <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>	A. Signature A. Signature Agent Addressee B. Received by ( <i>Printed Name</i> ) C. Date of Delivery
1. Article Addressed to: David Swindle, Trustee and Linda Swindle, Trustee	D. Is delivery address different from item 1? If YES, enter delivery address below: No
7021 Pioneer Place Albuquerque, NM 87120	3. Service Type Certified Mail Express Mail: Registered Return Receipt for Merchandise Insured Mail C.O.D.
	4. Restricted Delivery? (Extra Fee)
2. Article Number (Transfer from service label) 7006	0970 0000 9096 3053
PS Form 3811, February 2004 Domestic Re	turn Receipt 102595-02-M-1540