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) M. MARSH IN SUPPORT) OF PLAINTIFFS' MOTION) FOR DEFAULT JUDGMENT)
v.) ZRB-3-0201
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 Defendants chose to respond. The documents were mailed to the Defendant's mailing address via certified mail, return receipt requested.

B. The service packet to Jerry and Virginia Clark (ZRB-3-0201), was mailed to the Defendants' address of record. The original Postal Service Form 3811, Domestic Return Receipt was returned signed and dated August 27, 2010. A copy of Postal Service Form 3811 is attached to this declaration.

C. Pursuant to the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521 (2012), a search was conducted in the following databases to determine if the Defendants, Jerry Clark and Virginia Clark, are currently in active military service: Westlaw -People Finder, LexisNexis - Military Finder, and the Servicemembers Civil Relief Act (SCRA) website. These sources do not indicate that Defendants are on active military duty status.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 15, 2012

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

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