

DISTRICT COURT
SAN JUAN COUNTY NM
RB FILED
2009 DEC 29 AM 9 59

STATE OF NEW MEXICO
THE ELEVENTH JUDICIAL DISTRICT COURT
SAN JUAN COUNTY

STATE OF NEW MEXICO, *ex rel.* STATE ENGINEER,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, *et al.*,

Defendants,

THE JICARILLA APACHE TRIBE AND THE
NAVAJO NATION,

Defendant-Intervenors.

CV-75-184

Hon. James J. Wechsler
Presiding Judge

SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

LA PLATA RIVER
SECTION

**ORDER FOR SERVICE OF PROCESS
BY PUBLICATION IN NEWSPAPERS**

Plaintiff State of New Mexico *ex rel.* Office of the State Engineer ("State") has filed a motion requesting that the Court approve service of process by publication in a newspaper of general circulation on known water right claimants in the La Plata River Section upon whom the State has been unable to personally serve process by mail in the manner approved by the Court.

The Court finds that in accordance with Rule 1-004 NMRA (2005) and Section I (C) of the Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata River Section ("Scheduling Order"), the State has made diligent efforts to make personal service by mail in the manner approved by the Court, but has not been able to complete service of process on all known claimants.

The Court further finds that the State has exercised reasonable diligence in attempting to obtain current addresses for the claimants identified in Exhibit "A" to the

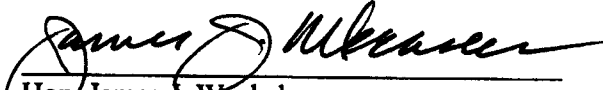
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motion, but the whereabouts of those claimants cannot be discovered after due inquiry and search has been made.

The Court further finds that the newspapers of general circulation most likely to give claimant's notice of the pendency of the proceeding are the Farmington Daily Times and the Albuquerque Journal.

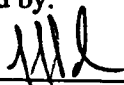
THEREFORE, IT IS HEREBY ORDERED that the State serve process on the claimants described above by publication of the form of notice appended to this order and titled "NOTICE OF PENDENCY OF WATER RIGHTS ADJUDICATION TO IDENTIFIED CLAIMANTS NOT PERSONALLY SERVED BY MAIL" once a week for three consecutive weeks in the Farmington Daily Times and the Albuquerque Journal. The State shall file a proof of service with a copy of the affidavits of publication when service has been completed.

Dated this 23 day of Dec., 2009.



Hon. James J. Wechsler
Presiding Judge

Submitted by:



Julie Sakura
Special Assistant Attorney General