

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

DISTRICT COURT
SAN JUAN COUNTY NM
AS FILED
2010 OCT 8 PM 2 48

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
JAMES J. WECHSLER
Presiding Judge

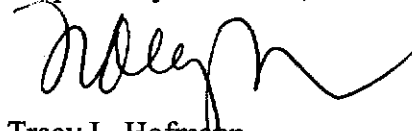
SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

**PROOF OF PUBLICATION OF THE NOTICE OF PENDENCY OF WATER RIGHTS
ADJUDICATION TO IDENTIFIED CLAIMANTS
NOT PERSONALLY SERVED BY MAIL**

COMES NOW the Plaintiff, State of New Mexico *ex rel.* State Engineer ("State), and hereby files proof of publication of the Notice of Pendency of Water Rights Adjudication to Identified Claimants Not Personally Served by Mail pursuant to Rule 1-004 NMRA, for the purpose of serving by publication those identified water rights claimants not personally served by mail.

Attached as Exhibit A is the Affidavit of Publication, signed by Connie Pruitt, Advertiser Director of The Daily Times, stating that the Notice was published for 4 consecutive weeks beginning on September 10, 2010 and ending on September 27, 2010.

Respectfully submitted,



Tracy L. Hofmann
Special Assistant Attorney General
New Mexico Office of the State Engineer
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Attorney for Plaintiff State of New Mexico
ex rel. State Engineer

DKH



AFFIDAVIT OF PUBLICATION

Ad No. 65035

Christine Dellen
My Commission Expires 11/05/11

STATE OF NEW MEXICO
County of San Juan:

CONNIE PRUITT, being duly sworn says:
That SHE is the ADVERTISER DIRECTOR of
THE DAILY TIMES, a daily newspaper of
general circulation published in English at
Farmington, said county and state, and that
the hereto attached Legal Notice was
published in a regular and entire issue of the
said DAILY TIMES, a daily newspaper duly
qualified for the purpose within the meaning of
Chapter 167 of the 1937 Session Laws of the
State of New Mexico for publication and
appeared in the Internet at The Daily Times
web site on the following day(s):

Tuesday, September 7, 2010 -Inadvertent
publication. Corrected by Publication of Notice
on following dates:

- Friday, September 10, 2010
Monday, September 13, 2010
Monday, September 20, 2010
Monday, September 27, 2010

And the cost of the publication is \$918.60

Connie Pruitt

ON 9/13/10 CONNIE PRUITT
appeared before me, whom I know personally
to be the person who signed the above
document.

COPY OF PUBLICATION

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

STATE OF NEW MEXICO, ex rel. STATE ENGINEER,

Plaintiff,

CV-75-184
Hon. James J. Webster
Presiding Judge

vs.

THE UNITED STATES OF AMERICA, et al.,

SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

Defendants,

THE JICARILLA APACHE TRIBE AND THE
NAVAJO NATION,

LA PLATA RIVER
SECTION

Defendant-Interveners.

CORRECTED
NOTICE OF PENDENCY OF WATER RIGHTS ADJUDICATION TO
IDENTIFIED CLAIMANTS NOT PERSONALLY SERVED BY MAIL

FROM:

Clerk of the New Mexico Eleventh Judicial District Court

TO:

- DIXIE LEE ACTON AF-01-578; SJLP-004-0028 PO BOX 445 La Plata, NM 87418
JERRY LEE ACTON AF-01-578; SJLP-004-0029 PO BOX 445 La Plata, NM 87418
DOVIE J. ALLENBAUGH AF-01-378; SJLP-008-0039 13 CR 1784, SP2 Farmington, NM 87401
MARK E. ALLENBAUGH AF-01-378; SJLP-008-0039 13 CR 1784, SP2 Farmington, NM 87401
CHESTER H. BENALLY AF-01-334; SJLP-007-0085 50 Road 1636, Farmington, NM 87401
ELOVONNE J. BENALLY AF-01-334; SJLP-007-0085 50 Road 1636, Farmington, NM 87401
ROBERT G. BUTTES AF-01-395; SJLP-008-0059 Riverstone Trailer Park #26 Farmington, NM 87401
VIRGINIA A. BUTTES AF-01-395; SJLP-008-0059 Riverstone Trailer Park #26 Farmington, NM 87401
BRYAN C. CAGE AF-01-524; SJLP-007-0035C 15 Road 1634, Farmington, NM 87401
BRADLEY P. CHESSER AF-01-299; SJLP-007-0003B 2 CR 2468, Farmington, NM 87401
TERESA CHESSER AF-01-299; SJLP-007-0003B 2 CR 2468, Farmington, NM 87401
MARQUITA EARLEY AF-01-345; SJLP-008-0007 728 HWY 170, Farmington, NM 87401
WILLIAM EARLEY AF-01-345; SJLP-008-0007 728 HWY 170, Farmington, NM 87401
CALVERY HOGUE AF-01-510; SJLP-008-0008 722 HWY 170 #12, Farmington, NM 87401
LUCAS L. HOGUE AF-01-510; SJLP-008-0008 722 HWY 170 #12, Farmington, NM 87401
SHAWN M. HOGUE AF-01-510; SJLP-008-0008 722 HWY 170 #12, Farmington, NM 87401
VINCENT EARL JAMES AF-01-181; SJLP-004-0048 315 NW 82nd St., Seattle, WA 98117
ROBERT JOE, JR. AF-01-296; SJLP-007-00001 Box 467, La Plata, NM 87418
BARBARA L. LASSITER AF-01-455; SJLP-009-0003 1 CR 1799, Farmington, NM 87401
CHRIS LAWING AF-01-384; SJLP-008-0048 688 NM 170, Farmington, NM 87401
JOY PALM LAWING AF-01-384; SJLP-008-0048 688 NM 170, Farmington, NM 87401
EUGENE J. MARTIN, JR. AF-01-552; SJLP-007-0042 878 HWY 170, Farmington, NM 87401
LINDA J. MATHEWS AF-01-532; SJLP-008-0023 15 Road 1738, Farmington, NM 87401
STEVEN P. MATHEWS AF-01-532; SJLP-008-0023 15 Road 1738, Farmington, NM 87401
JOHN E. MEDINA AF-01-447; SJLP-008-0113A 821 NM 170, Farmington, NM 87401
LANA K. MEDINA AF-01-447; SJLP-008-0113A 821 NM 170, Farmington, NM 87401
CLIFFORD ALLEN PISTOLE AF-01-278; SJLP-008-0025 5880 Boulder Falls St., Apt. 1 Henderson, NV 89011

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LEO REDHORSE AF-01-428; SJLP-008-0096 681 HWY 170, Farmington, NM 87401
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ELISABETH J. SMITH AF-01-422; SJLP-008-0089 7 RD 1783, Farmington, NM 87401
ELMER SMITH AF-01-422; SJLP-008-0089 7 RD 1783, Farmington, NM 87401
JACKIE SORRELL AF-01-461; SJLP-009-0007 51 CR 1800, Farmington, NM 87401
RANDOLPH SPECHT AF-01-525; SJLP-007-0035B 3313 Northridge Dr., Farmington, NM 87401
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CINDY L. STOCKTON AF-01-335; SJLP-007-0066 54 Road 1636, Farmington, NM 87401
JEFFREY W. STOCKTON AF-01-335; SJLP-007-0066 54 Road 1636, Farmington, NM 87401
ALLEN G. TACKITT AF-01-275; SJLP-008-0022 704 W. Animas St., Farmington, NM 87401
TRUST, c/o BARBARA N. MCSMITH AF-01-241; SJLP-005-0034 PO Box 170, Amistad, NM 88410
JOHN D. TAYLOR AF-01-241; SJLP-005-0034 PO Box 170, Amistad, NM 88410
LAURAL K. TAYLOR AF-01-241; SJLP-005-0034 PO Box 170, Amistad, NM 88410

You are hereby notified that the State of New Mexico ("State") has filed a water rights adjudication lawsuit in the Eleventh Judicial District of New Mexico, San Juan County, pursuant to NMSA 1978, §§ 72-4-15 through 72-4-17, under the caption and case number shown above. The purpose of this lawsuit, referred to as the "San Juan Adjudication," is to identify and determine all rights to use the surface and underground Waters of the San Juan River Stream System within the State of New Mexico, which includes all tributary rivers of the San Juan River within New Mexico. The Court is proceeding on a river-by-river basis and is currently determining all rights to divert water from the La Plata River, or from a well, to irrigate land within the La Plata Section. The Court is conducting the adjudication in accordance with its April 30, 2006 Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata Section ("Scheduling Order"), which imposes deadlines, detailed adjudication procedures, and filing requirements. A copy of the Scheduling Order and other pertinent information may be obtained from the Court's website at http://www.11jdc.com/modules/contant/?id=79 or by contacting the State's Attorney identified below. If you have not already been served in this adjudication, you are required to appear before the Court and describe what rights, if any, you claim to use the waters of the La Plata River. Unless you file a responsive pleading or Notice of Claim ("NOC"), which you may obtain from the Court's website, with the Court within sixty (60) days after the last date this Notice is published, any right you may have to use the waters of the La Plata River may be adjudicated by default judgment to the original or revised findings of the State Engineer's 1938 Hydrographic Survey Report. The default judgment may include a determination that the claimant has no lands with appurtenant irrigation water rights within the La Plata Section and/or no right to divert surface water or underground water for irrigation within the La Plata Section. Questions about the San Juan Adjudication can be directed to the Office of the State Engineer's attorney, Tracy Hofmann, at 505-827-6150.

WITNESS the hand and seal of the Eleventh Judicial District Court, County of San Juan, State of New Mexico, this 29th day of December, 2009.

Loressa Basherl
District Court Clerk