

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,)	
)	
and)	
)	No. 01cv00072 BB/WDS
ZUNI INDIAN TRIBE and NAVAJO NATION,)	
Plaintiffs in Intervention)	
)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
A & R PRODUCTIONS, et al.,)	
)	
Defendants.)	
_____)	

ORDER GRANTING MOTION TO ALLOW SERVICE BY PUBLICATION

This matter is before the Court on the *Motion to Allow Service by Publication* filed by the Plaintiff United States of America (“United States”) on May 11, 2009 (Doc. No. 2356). The United States’ motion asks that the Court approve service of process by publication in newspapers of general circulation upon all unknown defendants and upon the following named defendants:

Name	Subfile
Maureen Kearns and Robert Kammerer Trust	ZRB-1-0049
David Zimmerman	ZRB-1-0065
Sirintorn Zimmerman	ZRB-1-0065
David Bradford	ZRB-1-0131
Evelyn Bradford	ZRB-1-0131
Unknown Heirs of Eugenio Landavazo	ZRB-2-0060
Unknown Heirs of Doris Chick	ZRB-3-0031
Howard Price	ZRB-3-0075
Darla Nicoll	ZRB-3-0092

Thomas Mooney	ZRB-3-0115
Beverly J. Munoz	ZRB-3-0117
R.W. Ader	ZRB-4-0024
Steven Berube, Trustee	ZRB-4-0042
Kenneth Montague	ZRB-4-0406
Tonia Montague	ZRB-4-0406
Rudy Garcia, Trustee of the Diana Mae Garcia Special Needs Trust	ZRB-4-0431
Unknown Heirs of Ralph Bond	ZRB-5-0011
Leo Eriacho	ZRB-6-0001
Loretta Eriacho	ZRB-6-0002

The Court finds that the Plaintiff has made diligent efforts to identify all defendants and make personal service on each named defendant, but has not been able to complete service of process.

The Court takes judicial notice that the *Albuquerque Journal* and the *Gallup Independent* are newspapers of general circulation in the Zuni River Basin or in the State of New Mexico and finds that they are the publications most likely to give defendants notice of the pendency of this action.


The Court further finds that the *Notice of Lawsuit and Summons* filed as Exhibit A to the United States' motion provides adequate notice to defendants of the pendency of this lawsuit and their obligation to appear and defend or suffer entry of a default judgment that conforms to the Zuni River Basin Adjudication Hydrographic Survey Reports for the Sub-Areas 1, 2, 3, 4, 7, 8, 9, 10 and Ramah, as amended.

THEREFORE, IT IS HEREBY ORDERED that the Clerk cause a signed and seal-stamped copy of the *Notice of Lawsuit and Summons*, filed as Exhibit A to the United States' motion, to be delivered to counsel for the United States.

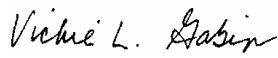
IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(e)(1) and

Rule 1-004(K) of the Rules of Civil Procedure for the District Courts of the State of New Mexico, the Plaintiff United States serve process on the above-named defendants and all unknown defendants by publication of the *Notice of Lawsuit and Summons* approved herein once a week for three consecutive weeks in the *Albuquerque Journal* and the *Gallup Independent*.

IT IS FURTHER ORDERED that the Plaintiff file a proof of service with a copy of the affidavits of publication when service has been completed.


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for Approval:



VICKIE L. GABIN
SPECIAL MASTER