

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.	)	
_____	)	

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**PROOF OF SERVICE OF PROCESS BY PUBLICATION**

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The Plaintiff United States of America (“United States”) hereby certifies that, pursuant to the Court’s May 12, 2009 *Order Granting Motion To Allow Service By Publication* (Doc. No. 2357), the United States served all unknown claimants of rights to use water in the Zuni River Stream System in New Mexico and the following named defendants by publishing the *Notice of Lawsuit and Summons* in the *Gallup Independent* and *Albuquerque Journal* for three consecutive weeks beginning May 27, 2009 and ending June 10, 2009.

<u>Defendant</u>	<u>Subfile Number</u>
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

Dated: July 27, 2009.

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout St., 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1359

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 27, 2009, I filed the foregoing *Proof of Service Of Process By Publication* electronically through the CM/ECF system, which caused CM/ECF participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

\_\_\_\_\_/s/\_\_\_\_\_  
Bradley S. Bridgewater

Affidavit of Publication

STATE OF NEW MEXICO )
) SS
COUNTY OF MCKINLEY

LYDIA JOE being duly sworn upon oath, deposes and says:

As LEGAL CLERK of The Independent, a newspaper published in and having a general circulation in McKinley County, New Mexico and in the City of Gallup, New Mexico and having a general circulation in Cibola County, New Mexico and in the City of Grants, New Mexico and having a general circulation in Apache County, Arizona and in the City of St. Johns and in the City of Window Rock, Arizona therein: that this affiant makes the affidavit based upon personal knowledge of the facts herein sworn to. That the publication, a copy of which is hereto attached was published in said newspaper during the period and time of publication and said notice was published in the newspaper proper, and not in a supplement thereof, for three time, the first publication being on the 27th day of May 20 09, the second publication being on the 3rd day of June 20 09, the third publication being on the day of 20

and the last publication being on the 10th day of June 20 09. That such newspaper, in which such notice or advertisement was published, is now and has been at all times material hereto, duly qualified for such purpose, and to publish legal notices and advertisements within the meaning of Chapter 12, of the statutes of the statutes of the State of New Mexico, 1941 compilation,

Lydia Joe
Affiant

Sworn and subscribed to before me this 10th day of June, A.D., 20 09

Notary Public

My commission expires: February 17, 2013

New Mexico Court is:
U.S. District Court
333 Lomas N.W.
Albuquerque, NM 87102
WITNESS the hand and seal of the United States District Court for the District of New Mexico this 12th day of May, 2009.

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, and No. 01cv00072 BB/WDS

ZUNI INDIAN TRIBE and NAVAJO NATION, Plaintiffs in Intervention
ZUNI RIVER BASIN ADJUDICATION

A & R PRODUCTIONS, et al., Defendants.

NOTICE OF LAWSUIT AND SUMMONS

TO ALL UNKNOWN CLAIMANTS OF RIGHTS TO USE WATER IN THE ZUNI RIVER STREAM SYSTEM IN NEW MEXICO AND THE FOLLOWING NAMED PERSONS, IF LIVING; IF DECEASED, THEIR UNKNOWN HEIRS:

- Name Subfile
Maureen Keans and Robert Kammerer Trust ZRB-1-0049
David Zimmerman ZRB-1-0065
Sirtom 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 Benube, 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

A LAWSUIT HAS BEEN FILED AGAINST YOU.

Please take notice that there is pending in the United States District Court for the District of New Mexico an action against you, the general purpose of which is to adjudicate all claims to rights to use waters of the Zuni River Stream System.

Unless you appear and defend in this matter on or before June 30, 2009, any right you may have to divert and use the public waters of the Zuni River Stream System may be adjudicated by default judgment that conforms to Zuni River Basin Adjudication Hydrographic Survey Reports for the Sub-Areas 1, 2, 3, 4, 7, 8, 9, 10 and Ramah, as amended. Your written appearance and defense to the lawsuit must be served on plaintiff's attorney and filed with the Clerk of Court.

The name and address of the plaintiff's attorney is:
Bradley S. Bridgewater
U.S. Department of Justice
1961 Stout Street-Six Floor
Denver, CO 80294

Legal #10629 Published in The Independent May 27 & June 3 & 10, 2009.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO County of Bernalillo SS

No. 01CV00072 BB/WDS ZUNI RIVER BASIN ADJUDICATION

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs,

and

ZUNI INDIAN TRIBE and NAVALJO NATION, Plaintiffs in Intervention

vs.

A & R PRODUCTIONS, et al., Defendants.

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The name and address of the plaintiff's attorney is:

Bradley S. Bridgewater
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
303-844-1359

The address of the Clerk of Court is:

Clerk's Office
U.S. District Court
333 Lomas N.W.
Albuquerque, NM 87102

WITNESS the hand and seal of

the United States District Court for the District of New Mexico this 12th day of May, 2009.

MATTHEW J. DYKMAN
DISTRICT COURT CLERK

Journal: May 27, 2009; June 3, 10, 2009

Bill Tafoya, being duly sworn, declares and says that he is Classified Advertising Manager of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 3 times, the first publication being on the 27 day of May, 2009 and the subsequent consecutive publications on 6-3 6-10, 2009.

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

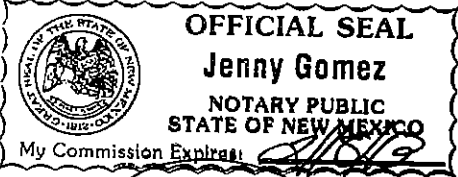
10 day of June of 2009.

PRICE 194.41

Statement to come at end of month.

ACCOUNT NUMBER C83096

CLA-22-A (R-1/93)



Handwritten signature of Jenny Gomez.

U.S. DEPT. OF JUSTICE ENV. & NAT. RES. DIV. DENVER, CO 2009 JUL -9 AM 11:11