

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/WDS
	)	
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Subfile No. ZRB-2-0102
	)	
v.	)	
	)	
A & R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR DEFAULT JUDGMENT**

The Plaintiffs United States of America (“United States”) and New Mexico ex rel. State Engineer (“State”), pursuant to Fed. R. Civ P. 55(b)(2), move the Court to enter its order granting default judgment against the following defendant:

<b>ANGIE MAREZ</b>	<b>Subfile No. ZRB-2-0102</b>
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by filed service of summons on ANGIE MAREZ (Doc. No. 1257).

2. ANGIE MAREZ was provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0102, Defendant ANGIE MAREZ was subject to the Special Master's December 14, 2005 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 9 and 10 of the Zuni River Stream System* (Doc. No. 436) ("Procedural and Scheduling Order"), which established deadlines of March 10, 2006, for the submission of a Request for Consultation, and of April 10, 2006, for the return of a signed Consent Order, or filing a Subfile Answer.

4. These deadlines for Subfile ZRB-2-0102 were never extended.

5. Defendant ANGIE MAREZ failed to file a Subfile Answer, or return a signed last-offered Consent Order for Subfile ZRB-2-0102 within twenty (20) days after being served with a Notice That The Consultation Period Has Ended (Doc. No. 1382). In addition, this Defendant failed to waive service of a summons and, after being served, failed to serve and file an answer as required by the summons and Federal Rule of Civil Procedure 12(a)(1)(A)(i).

6. Defendant ANGIE MAREZ is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0102 within the time limitations imposed by the Federal Rules of Civil Procedure, applicable Procedural and Scheduling Orders, or Orders of the Court extending deadlines, as shown by the Clerk's Certificate of Default filed December 13, 2007 (Doc. No. 1418).

7. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended, the right(s) of ANGIE MAREZ to divert and

use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

**ANGIE MAREZ**  
**Subfile No. ZRB-2-0102**

**WELL**

**Map Label:** 10C-2-W01

**OSE File No:** G 1726

**Priority Date:** 12/31/1988

**Purpose of Use:** Domestic & Livestock

**Well Location:** As shown on Hydrographic Survey Map 10C-2

**S. 11 T. 07N R. 17W 1/4, 1/16, 1/64: NW SE SW**

**X (ft): 2,492,604 Y (ft): 1,401,976**

New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Amount of Water (ac-ft):** Historical beneficial use not to exceed 0.790 acre-feet  
per annum

**STOCK POND**

**Map Label:** 10C-2-SP02

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1953

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 7.0

**Surface Area (sq.ft):** 58,069

**Storage Impoundment Volume (ac-ft):** 5.599

**Pond Location:** As shown on Hydrographic Survey Map 10C-2

**S. 11 T. 07N R. 17W 1/4, 1/16, 1/64:** NW SW NE

**X(ft):** 2,491,744 **Y(ft):** 1,402,596

New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Dam height (if greater than 9 ft):** 10.0

**STOCK POND**

**Map Label:** 10C-2-SP03

**Purpose of Use:** Livestock

**Priority Date:** 3/14/1994

**Source of Water:** Well

**Point of Diversion:** Fills from well 10C-2-W01 (Location X(ft): 2,492,603;

Y(ft): 1,401,976)

**Amount of Water:**

**Depth (ft):** 2.0

**Surface Area (sq. ft):** 673

**Storage Impoundment Volume (ac-ft):** 0.019

**Pond Location:** As shown on Hydrographic Survey Map 10C-2

**S. 11 T. 07N R. 17W 1/4, 1/16, 1/64:** NW SE SW

**X(ft):** 2,492,547 **Y(ft):** 1,402,050

New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Dam height (if greater than 9 ft):**

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against ANGIE MAREZ, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0102 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: January 25, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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