

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-3-0068
)	
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 defendants:

JULIA GARCIA & THOMAS V. GRIJALVA & LORETTA GRIJALVA & FELIX B. GARCIA	Subfile No. ZRB-3-0068
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed service of summons on LORETTA GRIJALVA (Doc. No. 1860) and THOMAS V. GRIJALVA, FELIX B. GARCIA and JULIA GARCIA (Doc. No. 1871).

2. JULIA GARCIA & THOMAS V. GRIJALVA & LORETTA GRIJALVA & FELIX B. GARCIA were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0068, Defendants JULIA GARCIA & THOMAS V. GRIJALVA & LORETTA GRIJALVA & FELIX B. GARCIA were subject to the Special Master's March 7, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Area 7 of the Zuni River Stream System* (Doc. No. 561) ("Procedural and Scheduling Order"), which established a deadline of August 12, 2006, for the return of a signed Consent Order or the filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-3-0068 were never extended.

5. Defendants JULIA GARCIA & THOMAS V. GRIJALVA & LORETTA GRIJALVA & FELIX B. GARCIA are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0068 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 October 8, 2008 (Doc. No. 1908).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended, the right(s) of JULIA GARCIA & THOMAS V. GRIJALVA & LORETTA GRIJALVA & FELIX B. GARCIA to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

**LORETTA GRIJALVA, THOMAS V. GRIJALVA, FELIX B. GARCIA and JULIA
GARCIA**
Subfile No. ZRB-3-0068

STOCK POND

Map Label: 7B-3-SP47

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 23,337

Storage Impoundment Volume (ac-ft): 1.286

Pond Location: As shown on Hydrographic Survey Map 7B-3

S. 18 T. 08N R. 15W 1/4, 1/16, 1/64: SE NE NE

X(ft): 2,537,505 **Y(ft):** 1,427,067

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 JULIA GARCIA & THOMAS V. GRIJALVA & LORETTA GRIJALVA & FELIX B. GARCIA, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0068 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: October 17, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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 (approved 10/17/2008)
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EX REL. STATE ENGINEER

