

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-4-0113
	)	
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:

<b>LISA BAEZA &amp; LUIS BAEZA</b>	<b>Subfile No. ZRB-4-0113</b>
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and as grounds therefore Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed service of summons on LUIS BAEZA (Doc. No. 1232) and LISA BAEZA (Doc. No. 1228).

2. LISA BAEZA & LUIS BAEZA were provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-4-0113, Defendants LISA BAEZA & LUIS BAEZA were subject to the Special Master's September 28, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 1, 2, and 3 (Excluding Ramah) of the Zuni River Stream System* (Doc. No. 838)("Procedural and Scheduling Order"), which established a deadline of January 12, 2007 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-4-0113 were never extended.

5. Defendants LISA BAEZA & LUIS BAEZA each failed to waive service of a summons. After being served with summonses, they filed timely Answers (Doc. Nos. 1261 & 1262) to the United States' Amended Complaint which made no reference to the Consent Order Plaintiffs offered to Defendants for Subfile ZRB-4-0113. Neither defendant has ever submitted a Request for Consultation or signed Consent Order concerning Subfile ZRB-4-0113.

6. Defendants LISA BAEZA & LUIS BAEZA are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0113 within the time limitations imposed by applicable Procedural and Scheduling Orders, or Orders of the Court extending deadlines, as shown by the Clerk's Certificate of Default filed August 13, 2009 (Doc. No. 2396).

7. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah)*, as amended, the right(s) of LISA BAEZA & LUIS BAEZA to divert and use the public waters of the Zuni River Stream System, Sub-Areas 1, 2 and 3 (excluding Ramah), should be as set forth below:

**LUIS BAEZA and LISA BAEZA**  
**Subfile No. ZRB-4-0113**

**WELL**

**Map Label:** 3B-6-W012

**OSE File No:** G 2085

**Priority Date:** 12/31/1950

**Purpose of Use:** NON 72-12-1 DOMESTIC

**Well Location:** As shown on Hydrographic Survey Map 3B-6

**S. 14 T. 10N R. 16W 1/4, 1/16, 1/64:** NW NE NW

**X (ft):** 2,523,892 **Y (ft):** 1,493,980

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

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

0.7 ac-ft per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against LISA BAEZA & LUIS BAEZA, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0113 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah)*, as amended.

Dated: August 31, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
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COUNSEL FOR THE UNITED STATES

          (approved 8/20/2009)  
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EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 31, 2009, I filed the foregoing *Motion for Default Judgment* 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