

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-4-0429
)	
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:

EUGENE L. SANCHEZ & GLORIA A. SANCHEZ	Subfile No. ZRB-4-0429
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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 waiver of service of summons for GLORIA A. SANCHEZ (Doc. No. 962) and EUGENE L. SANCHEZ (Doc. No. 962).

2. EUGENE L. SANCHEZ & GLORIA A. SANCHEZ were provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-4-0429, Defendants EUGENE L. SANCHEZ & GLORIA A. SANCHEZ 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 July 17, 2007 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-4-0429 were never extended. Defendants EUGENE L. SANCHEZ & GLORIA A. SANCHEZ submitted a timely Request for Consultation. However, following the conclusion of the consultation these defendants failed to either sign and return the last-offered Consent Order or to file and serve a Subfile Answer within 20 days of service of the June 27, 2007 *Notice That the Consultation Period Has Ended* (Doc. No. 1150).

5. Defendants EUGENE L. SANCHEZ & GLORIA A. SANCHEZ are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0429 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 November 23, 2009 (Doc. No. 2479).

6. 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 EUGENE L. SANCHEZ & GLORIA A. SANCHEZ 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:

EUGENE L. SANCHEZ AND GLORIA A. SANCHEZ
Subfile No. ZRB-4-0429

WELL

Map Label: 3B-3-W026

OSE File No: G 1941

Priority Date: 12/8/2003

Purpose of Use: 72-12-1 DOMESTIC AND LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 3C-4

S. 27 T. 12N R. 16W 1/4, 1/16, 1/64: SW SW SE

X (ft): 2,518,304 Y (ft): 1,541,550

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 EUGENE L. SANCHEZ & GLORIA A. SANCHEZ, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0429 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah)*, as amended.

Dated: January 5, 2010

Electronically Filed

/s/ Bradley S. Bridgewater

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EX REL. STATE ENGINEER

