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

UNITED STATES OF AMERICA, and)	
STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	
)	
Plaintiffs,)	
)	
and) No. 01-cv-0072 N	IV/WPL
)	
ZUNI INDIAN TRIBE, NAVAJO NATION,) ZUNI RIVER BA	SIN
) ADJUDICATION	[
Plaintiffs in Intervention,)	
)	
V.) Subfile No. ZRB-	3-0031
)	
A & R PRODUCTIONS, et al.,)	
)	
Defendants.		

ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL DEFAULT JUDGMENT

This matter is before the Court on the joint motion for default judgment filed by the United States and the State of New Mexico on June 8, 2016, against the Unknown Heirs of Doris Chick ("Heirs"). (Doc. 3283.) The Heirs failed to respond to the motion within the prescribed time. Accordingly, the Court finds that the motion is well-taken and is hereby granted. The Court finds:

- The Heirs have been legally served with process or have waived service of summons. (Doc. 1899 (Order Granting Motion to Join Additional Parties Defendant); Doc. 2379 (Proof of Service of Process by Publication).)
- 2. The Heirs have failed to comply with the applicable procedural and scheduling orders, and failed to appear, answer, or otherwise defend in this subfile action. The Heirs are in default. (*See* Doc. 3281 (Clerk's Certificate of Default).)

- 3. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7, prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each subfile Defendant have been introduced into the record and are hereby incorporated as the evidentiary basis of the water rights described herein.
- 4. The right of the Heirs to divert and use the public waters of the Zuni River Stream System, Sub-area 7, is consistent with terms of the Consent Order agreed to by the known claimants to this tract of land and is as set forth below:

STOCK POND

Map Label:	7A-8-SP01			
Purpose of Use:	Livestock			
Priority Date:	1/1/1972			
Source of Water:	Surface Runoff			
Point of Diversion:	N/A			
Amount of Water:				
Depth (ft):		6.0		
Surface Area (sq. ft.): 23,370				
Storage Impoundment Volume (ac-ft): 1.931				
Pond Location: As shown on				
S . 17 T . 05N	N R. 16W 1 /4	4, 1/16, 1/64 NW	SE	NE
X (ft): 2,508,	505 Y (ft): 1,333,524			

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

STOCK POND

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Map Label:	7A-8-SP02	
Purpose of Use:	Livestock	
Priority Date:	1/1/1972	
Source of Water:	Well	
Point of Diversion:	Fills from Well 7A-8-W02 (Location X(ft): 2,507,662;	
	Y (ft): 1,330,491)	
Amount of Water:		
Depth (ft):	3.0	

Surface Area (sq. ft.):	1,046
Storage Impoundment Volume (ac-ft):	0.043

Pond Location:

S . 17 T . 05N	R. 16W	1/4, 1/16, 1/64 SW	SE	SW
X (ft): 2,507,650	Y (ft): 1,33	0,478		

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

WELL

Map Label:	7A-8-W01			
OSE File No:	None			
Priority Date:	1/1/1971			
Purpose of Use:	NON 72-12-1 DOME	ESTIC		
Well Location:	As shown on Hydrog	raphic Survey Map 7A	- -8	
S . 18 T . 05N	R. 16W	1/4, 1/16, 1/64 SW	SW	NW
X (ft): 2,501,2	206 Y (ft): 1,330,	933		
New Mexico S	State Plane Coordinate	System, West Zone, N	NAD 19	83

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Amount of Water: Historical beneficial use not to exceed 0.7 ac-ft per annum

WELL

Map Label:	7A-8-W02
OSE File No:	None
Priority Date:	1/1/1940
Purpose of Use:	NON 72-12-1 LIVESTOCK WATERING
Well Location:	As shown on Hydrographic Survey Map 7A-8
S . 17 T . 051	R. 16W 1/4, 1/16, 1/64 SW SE SW
X (ft): 2,507,	662 Y (ft): 1,330,491

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

Amount of Water: Historical beneficial use not to exceed 0.672 ac-ft per annum

4) The Heirs have no right to divert and use the public waters of the Zuni River Stream System, Sub-area 7, except as set forth in this Order and other Orders entered by the Court in this cause;

5) The Heirs, their successors, representatives, heirs, and assigns, are enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-area 7, except in strict accordance with this Order and other orders of the Court in this cause; and

6) The water right described herein is adjudicated as between the United States, the State of New Mexico, and the Heirs, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree in this cause.

7) The Clerk of Court is ordered to mail a copy of this Order to the following addresses:

Ree Ann Cole Ray Chick 3220 Reina Dr. NE Albuquerque, NM 87111-5038

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Olivia Carney P.O. Box 761 Fence Lake, NM 87315-0761

Barbara O'Bryon 296 NorthWood Terrace Williamstown, WV 26187

Wayne Childers P.O. Box 121 Helen, NM 87002

L.B. Tarry 611 Laguna Belen, NM 87002

Roberta Hay P.O. Box 163 Adrian, OR 97901-0163

Frank Tarry 6 Yucca Drive Belen, NM 87002

Cynthia Lewis P.O. Box 711 Ramah, NM 87321-0711

Winona Walton 1523 12th Avenue Safford, AZ 85546

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE